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**Official Report
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Tuesday 19 April 2016

**Journal
des débats
(Hansard)**

Mardi 19 avril 2016

**Standing Committee on
Government Agencies**

Briefing

**Comité permanent des
organismes gouvernementaux**

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Tuesday 19 April 2016

Mardi 19 avril 2016

The committee met at 0903 in committee room 2.

The Chair (Mrs. Cristina Martins): Good morning, everyone. Welcome to government agencies this morning.

SUBCOMMITTEE REPORT

The Chair (Mrs. Cristina Martins): Our first order of business today is to consider a subcommittee report that is dated Thursday, April 14, 2016. Would someone please move the adoption of the report?

Mr. Wayne Gates: I move the adoption of the subcommittee report on intended appointments dated Thursday, April 14, 2016.

The Chair (Mrs. Cristina Martins): Thank you, Mr. Gates.

Mr. Wayne Gates: You're welcome.

The Chair (Mrs. Cristina Martins): Any discussion? All in favour? Opposed? The motion is carried. Thank you very much, Mr. Gates.

BRIEFING

The Chair (Mrs. Cristina Martins): Next, seeing that there are no intended appointments or appointees today, we are going to have a little bit of a review of government agencies and a briefing for all committee members. I'm going to pass it on, then, to the Clerk.

The Clerk of the Committee (Ms. Sylwia Przewdzicki): Good morning, members, and thank you, Chair. I've been asked, so I'm going to provide this little overview for the benefit of the significant number of new members who have joined the committee. We've had some changes in the chairship, the vice-chairship and the subcommittee membership, and this is a fairly technical committee.

All members should have received a resource binder that outlines what the committee is all about. If you don't have this document, let my office know, and we're happy to send you another one. I'll just pull out my own copy and show you what it looks like. It provides a lot of good information and a historical overview. It's the resource binder on the committee.

Our committee has a dual mandate. First, it has the authority to undertake the review of any agencies, boards or commissions—the ABCs—that the committee wishes to undertake. Second, it has the mandate to review intended appointments to those agencies, boards and commissions that are made by order in council.

I won't take very long, but I'll share my time with Heather Webb, who is the research officer supporting the committee. Heather participates in the meetings every week and prepares background materials for the committee, which you receive on a regular basis. She'll speak about her role and perhaps a little bit more specifically about the agency review aspect of the mandate.

I will focus on the appointments review process. I've handed out a little package for you. It's similar to the package I handed out at the beginning of the session, and it just contains an example of the documents that the committee deals with on a regular basis.

This committee deals with selections, and adopts subcommittee reports on a regular, almost weekly, basis, so I just wanted to explain how these come together.

You have before you a copy of standing order 108(f), which sets out the terms of reference for the committee. You will note that it provides us with a lengthy and detailed direction for the execution of our mandate.

I've also distributed a package containing a sample certificate and a subcommittee report from last session, as well as the attendant documents, so you can see what work is produced by the committee once it receives a certificate.

The certificate, signed by the Premier on behalf of the cabinet, is tabled to indicate any appointments made at a most recent cabinet meeting. Any reappointments, or appointments for a period of a year or less, do not appear on a certificate and are not reviewable by the committee. But the certificate is important, because it's the starting point for all the committee's work. In my example, I think it was the appointment of Mr. Vaccaro that we're tracing. You have a copy of the certificate as the cover page. It's signed by the Premier.

I'll just mention that I've also included the research document that was prepared by our research staff. It's quite a useful reference document because, inside, it lists all the agencies that are reviewable by the committee and to which appointments are reviewable by the committee.

Once a certificate is tabled with the Clerk of the House, I receive a copy and I forward it to the subcommittee members. Usually I receive the certificate on Friday, mid-afternoon, and right after I receive it, my office will send it to the subcommittee.

This is a committee where the subcommittee is very active and has an important role to play. As per the standing orders, the subcommittee members select from

the certificate any individuals they would like to call before the committee for a review of their intended appointment. There's no obligation to select anyone, and there's no minimum or maximum number of selections that can be made. The subcommittee makes its selections known to the full committee by way of a subcommittee report. The committee just adopted the most recent subcommittee report, and that was based on the decisions made by the subcommittee last week.

The standing orders state that the subcommittee shall meet of its own initiative to make the selections, and that upon receiving the report, the committee shall determine the date for the review of the selected individuals, as well as the time that will be allocated for each interview.

However, to streamline this process, the committee has established a practice. This practice was adopted in 1998 and has been adhered to by the committee in subsequent Parliaments, including the present one. Because it was found to be cumbersome to set up weekly subcommittee meetings and coordinate the schedules of subcommittee members for the purpose of selecting names, the practice developed was that subcommittee members receive the certificate by email—which is how I send it out—and are required to get back to the committee Clerk with their selections by 5 p.m. the following Thursday. So the subcommittee has just under a week to get their selections back to the Clerk.

For any who are visual learners, I did provide just a little sample calendar of how this timeline plays out. You can see that on a Friday, my office receives the certificate and sends it to the subcommittee. The following Thursday, I receive your selections. The next day, also a Friday, I distribute the subcommittee report to the full committee, and then I also prepare letters to the Public Appointments Secretariat, as well as the ministries, to notify them as to who has or has not been selected.

0910

The appointments of individuals who have not been selected will proceed without the committee stage. My office will contact those who have been selected to schedule their appearance before the committee. Rather than having to determine in each instance how much time to allocate to the review of an intended appointment, the committee adopted the practice whereby each interview is scheduled for 30 minutes, and these 30 minutes are divided equally among the caucuses. So, each party has up to 10 minutes to ask questions in a single round. The intended appointee is offered the opportunity to make opening remarks. Any time they use for their remarks is subtracted from the government's time for asking questions.

The House has authorized this committee to meet on Tuesday mornings from 9 a.m. to 10:15 a.m., so we have a rigid one-hour-and-15-minute window for our meetings. This enables us to schedule two interviews per meeting and then leaves us with a few minutes left over for any other business, such as considering subcommittee reports.

I will add here that as per the standing orders, this committee may meet to consider intended appointments

when the House is in an extended adjournment such as a summer or a winter recess, up to three times per month, with the subcommittee choosing the meeting day or days. To meet for any other reason during the adjournment, such as an agency review, the committee would require permission from the House.

Once an intended appointment has been selected for review, we receive biographical background on the person from the Public Appointments Secretariat. In addition to this, the research officer prepares a background paper for the committee. That paper includes publicly available information on the candidate, as well as some information about the agency. The information officer identifies any issues around the agency and may provide sample questions or areas of inquiry that the committee may wish to pursue when interviewing the candidate.

Once I receive all of the documents, I will forward them to you, in most cases in the week prior to the committee meeting. We try to send them out on Thursday, the same day that you receive your notice and agenda. My office also sends out the background materials for the meeting. The emails in most cases come from Trish Sarnicki, who works in my office.

Only the intended appointee may be called as a witness. That is the person you will be interviewing. At the end of the interview, the committee will vote on whether or not it concurs in the appointment. The question is debatable and the Chair will ask for debate before putting the question on any concurrence.

The committee must table its report with the Clerk of the House on the same day it votes on concurrence and its report is deemed to be adopted by the House. If the House is in session, because we meet in the morning, it's the afternoon following the committee meeting in which the committee voted on an intended appointment. During the routine proceeding "reports by committees" is when the House receives the report.

In the case of this report, it's a Speaker's script, so the Speaker stands and says, "I beg to inform the House that I have received a report from the Standing Committee on Government Agencies," and that's the report that was created as a result of the vote that morning. I have a sample of the report the way it's delivered to the House in your package, if you'd like to see that. Once the committee tables its report, the government may proceed with the appointments of the individuals contained in the report.

There are certain deadlines that we have to pay attention to. In its oversight role, the committee is not in any way trying to hinder the appointments process. If no report has been made on the selected person within 30 days of their being selected, that person is deemed to have been concurred in. However, the committee can by unanimous consent extend this deadline. This is a fairly regular practice; the committee will be familiar with it. If we have a number of intended appointees who are waiting to be scheduled, the 30 days start ticking from the day that the certificate is received. So if it's not feasible for the committee to schedule all the outstanding intended appointees, by unanimous consent the com-

mittee may extend that deadline, and that has generally been the practice.

I'll hand these out. These help me keep track of the work that the committee has done, but I do have a chart that will just give you a sense of who has come before the committee since the start of the session. You will see that we are fairly caught up. There is one outstanding intended appointee whose name appears on the subcommittee report that you just adopted, and my office will try to schedule that appointment as soon as possible.

At this point, I'll turn it over to Heather.

Ms. Heather Webb: Good morning. My name is Heather Webb. As Sylwia mentioned, I'm the research officer who's assigned to this committee. Typically, you'll see me here on a weekly basis, although from time to time someone else from our office may be here. There will always be someone from legislative research here to assist the committee.

I'll just cover, very briefly, the three areas that legislative research may be able to assist the committee with. The first one that Sylwia mentioned is with respect to the intended appointments. Our office will prepare a very short background memo for you, typically three or four pages, when the committee considers an intended appointment. There is a sample one that we've prepared in the past in your package. What this does is summarize the mandate of the agency. It discusses, perhaps, the agency's finances and any other pressing issues that the agency may be dealing with. We'll also draft a few sample questions that the committee members may choose to ask the appointee during the interview.

If the committee decides to proceed with an agency review, our office will prepare a much more detailed and lengthy background, detailing the agencies that you'll be reviewing. Following any hearings that you may conduct with respect to the agencies, we'll prepare a summary report of that. We'll also help you prepare the draft report when the committee gets to the report-writing stage.

Finally, we're also available throughout the course of the committee meetings, regardless of the content, to assist the committee members with any research questions that may come up. So if there's anything in relation to your business that you would like researched, please feel free to ask us at any time, and we'll be happy to provide you with an answer.

Mr. Shafiq Qadri: Just a question: For example, on the chart, when it says "selected by PC," that means "selected to be interviewed by PC," whereas, obviously, it's proposed by the government, I presume.

The Clerk of the Committee (Ms. Sylwia Przewdziecki): It means it's a selection that was made by the PC Party for review by the committee. When my office sends the certificate to the subcommittee members, we make note of which party makes which selection, and that appears on the subcommittee report. Of course, everything on the certificate is a nomination made by the government, but for the committee, it just indicates who proposed that the person be reviewed by the committee.

Ms. Heather Webb: Subject to any questions, that's all I have.

The Chair (Mrs. Cristina Martins): Are there any questions? Mr. Bailey?

Mr. Robert Bailey: Thank you for the presentations by both of you.

Not that I'm looking to do that, but you mentioned that if the House wasn't sitting, we could meet to review appointments. Would we be restricted to the one hour and 15 minutes? Maybe if we had a number of appointments, we could sit and do those and get them out of the way so they wouldn't be waiting, say, in September when we come back. Is that a prerogative or—is that available?

The Clerk of the Committee (Ms. Sylwia Przewdziecki): Yes, absolutely. That's exactly how the committee has used those days in the past. If you look at the chart, you'll notice there are some summer dates that are attached to a number of the appointees. During the summer, it's up to the subcommittee to determine the day or days on which the committee may meet.

Mr. Robert Bailey: But you'd meet for more than an hour, possibly, and get them done with, if they were ready.

The Clerk of the Committee (Ms. Sylwia Przewdziecki): Absolutely. The committee could meet for a whole day if it wished. It's not restricted by the 9 to 10:15 time frame.

Mr. Robert Bailey: It would be hard to get me back here in July—

Mr. Shafiq Qadri: Where it says "Date appeared before committee: Withdrawn," it just means they've disappeared; they've not come back at all?

The Clerk of the Committee (Ms. Sylwia Przewdziecki): For some of these withdrawals, it was on the initiative of the nominee. At some point in the process, they've notified PAS that they are no longer interested in pursuing the position, in which case, the committee receives a memo from PAS. Where it says "Withdrawn by UC," in some cases, it would be the committee itself determining—

Mr. Shafiq Qadri: "UC" means what?

The Clerk of the Committee (Ms. Sylwia Przewdziecki): Unanimous consent of the committee.

Mr. Shafiq Qadri: Oh, I see.

The Clerk of the Committee (Ms. Sylwia Przewdziecki): The committee has on a couple of occasions decided that it does not need to go ahead with a particular interview of a selection it had made. It simply indicates that it will no longer interview the person.

The Chair (Mrs. Cristina Martins): Are there any other questions or clarifications requested?

If there are any other questions that may come up as you read through and peruse through the package that has been prepared for us today, both the Clerk and the legislative researcher are available at any time to assist with any questions that you may have or any procedural clarifications that you may need.

Seeing that there are no further questions, this committee is adjourned.

The committee adjourned at 0921.

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