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**Official Report  
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(Hansard)**

**Tuesday 9 April 2013**

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des débats  
(Hansard)**

**Mardi 9 avril 2013**

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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES  
ORGANISMES GOUVERNEMENTAUX

Tuesday 9 April 2013

Mardi 9 avril 2013

*The committee met at 0906 in committee room 1.*

## SUBCOMMITTEE REPORTS

**The Chair (Mr. Lorenzo Berardinetti):** Good morning, everybody. I call this meeting to order. Our first order of business is the report of the subcommittee on committee business dated March 28, 2013.

**Mr. Joe Dickson:** I move the adoption of the report of the subcommittee dated Thursday, March 28.

**The Chair (Mr. Lorenzo Berardinetti):** Mr. Dickson has moved—

**Mr. Joe Dickson:** I have moved that. I will further move adoption of the report of the subcommittee on committee business dated Thursday, April 4—

**The Chair (Mr. Lorenzo Berardinetti):** The March 28 one. Yes, let's do the first one first. March 28: You've moved adoption of that. Is there any discussion? If not, all in favour? Opposed? The motion is carried.

Our second order of business is the report of the subcommittee on committee business dated April 4, 2013.

**Mr. Joe Dickson:** I have moved that. I will move it again, Mr. Chair, if you wish.

**The Chair (Mr. Lorenzo Berardinetti):** Moving adoption of the report. Is there any discussion? All those in favour? Opposed? The motion is carried.

AGENCY REVIEW:  
WORKPLACE SAFETY  
AND INSURANCE BOARD

**The Chair (Mr. Lorenzo Berardinetti):** Members of the committee, I just wanted to say a few words before we get into today's business.

This is the Standing Committee on Government Agencies. We're meeting to continue report writing on the agency review of the Workplace Safety and Insurance Board.

Before we continue, I'd like to discuss with the committee the advantage of meeting in closed session while we are in the process of writing reports.

A closed-session meeting means that, on the committee's agreement, only members of the committee, the Clerk of the Committee and the committee research officer are permitted in the room. There is no public broadcast of the meeting or Hansard transcript of the proceedings.

Members may find that a closed session permits more open, frank and candid discussion. Proposals can be discussed and changed without premature public discussion. The report remains confidential until it is reported to the House.

A committee may decide to go into or out of closed session at any time it wishes. For example, when the committee is reviewing intended appointments, it would meet in open session, and in any time remaining it could go into closed session to continue report writing.

I wanted to bring this to the committee's attention for its consideration. So what I want to say is that the advantage of a closed session is that we can speak frankly and openly about the way we want to write the report, but it doesn't affect any issue, really, because when we come out, the report is public and is tabled directly with the Legislature.

Is there any discussion about this? Mr. Dhillon?

**Mr. Vic Dhillon:** Chair, I think it would be okay if the committee decided we wanted to keep it in camera. I don't think it's much of an issue with us.

**The Chair (Mr. Lorenzo Berardinetti):** Okay. Any other—Ms. Taylor?

**Miss Monique Taylor:** I would prefer not to be in camera, personally. I would definitely prefer even to have one staff member able to stay with us—with me in particular.

**The Chair (Mr. Lorenzo Berardinetti):** The reason I'm asking for a more frank and open discussion: I've been here now for over nine years and have chaired or been on various committees. We've never gone into closed session; I know it feels a bit uncomfortable. The reason I think we should do it is because we are report writing and it provides for an open and frank discussion so that we can ask for various things or work together as a group. I think the Clerk of the Committee may be able to explain a little bit more about it, about why we would go into closed session.

**The Clerk of the Committee (Ms. Anne Stokes):** It's just an opportunity; it's an option that the committee has. It has been customary for committees, when they are report writing, to go into closed session. It's not to hide anything, but it allows the members themselves to have a more frank and candid discussion that they may not feel—they may be constrained in a public forum. Sometimes, to build consensus around a certain recommendation or a certain issue in a report, members may

want to discuss things in closed session that they wouldn't necessarily want to discuss in open. That's really the sole purpose for it.

It also means that as discussions are made about a report, things would become—if they're open, it gets out into the public, and that may not be what is in the final report, but those things have been promulgated already. There may be premature discussion about something that the committee actually doesn't decide on doing at the end. So it just allows for that kind of flexibility to discuss things, to throw out ideas and to change things even after you've discussed something and then have come back to it later and decided to change it.

So it's really totally up to the committee's decision. It has been customary, if you look at public accounts, for example, that if they're writing reports, they will almost always go into closed session. It's strictly something up to the committee's wish.

**The Chair (Mr. Lorenzo Berardinetti):** Mr. Miller?

**Mr. Paul Miller:** I'm a firm believer in open concept. I don't like closed-door meetings. I don't like in camera. I will not support it. It's my understanding that staff has to leave. That is absolutely unacceptable. I don't know why it's based on tradition, because we used to have more problems in municipal politics for having closed-door meetings than anything I've ever seen. So I will not be supporting a closed-door session.

**The Chair (Mr. Lorenzo Berardinetti):** Okay. Any further discussion? Mr. McDonell.

**Mr. Jim McDonell:** I can appreciate the need for frank discussion during the report writing. There will be occasion to move in and out if we want to table something or get something on the record and that type of thing—not often, but generally before we go in camera type of thing.

**The Chair (Mr. Lorenzo Berardinetti):** Yes, I think we can go in and out.

**Mr. Jim McDonell:** Yes, so the committee is still pretty flexible.

**The Clerk of the Committee (Ms. Anne Stokes):** The committee is totally flexible. You can start in closed session; you can go into closed session and come out, whatever you wish.

**Mr. Jim McDonell:** And I can appreciate, if we want to get this thing actually written, that there needs to be that ability to work at it and not worry about what's being—you know, for the discussion that goes on to be frank and open in closed session.

**The Chair (Mr. Lorenzo Berardinetti):** Monique Taylor?

**Miss Monique Taylor:** Thank you, Chair. I can appreciate their concerns, but I would request one staff person per caucus. There's a lot behind this. There's a lot of work put into this. I think having a staff person could be helpful to all of us. I mean, how many times did we have to break so that people could talk to their staff and everything? Having a staff person involved I don't think would be an issue to me if that would be in agreement.

**The Chair (Mr. Lorenzo Berardinetti):** Vic Dhillon?

**Mr. Vic Dhillon:** Chair, I appreciate Mr. Miller's concerns about openness and all that, but my experience has been that report writing has typically and traditionally been done in camera for reasons maybe—I can't think of a good example at the moment, but we would prefer that we do keep it in camera.

I don't think any one of us would oppose openness and transparency, but I think there are reasons for which report writing has always been in an in camera setting. I mean, the contents of what we will produce will eventually be public. Again, as you suggested, it's so that we can have a frank discussion on what's on the table, because these are really very highly important issues. Maybe in sort of an open dialogue setting we can come to better resolutions.

**The Chair (Mr. Lorenzo Berardinetti):** Okay. Mr. Miller?

**Mr. Paul Miller:** Is it the option of the individual members if they partake in it or not? Because I don't think I'll be here for an in camera session. So if you want to go that route, it's up to Miss Taylor what she wants to do, but I won't partake in a closed-door session. If you're going to do that, I'm out of here.

**The Chair (Mr. Lorenzo Berardinetti):** Okay. I know Monique is here—her microphone is on. I never liked closed-door sessions either, and I was in municipal politics for 15 years. I think Anne Stokes can explain again the reason why we'd go into a private session.

**The Clerk of the Committee (Ms. Anne Stokes):** There's really nothing more to say. It's just an opportunity. It's generally excluding all—other than staff and members themselves—to allow the members to have that kind of interaction. There is nothing to keep a member in the committee or to force a member out of the committee, so it would be totally up to your decision. The committee is free to do what it wishes. If you wanted to have a staff member in, although that's not customary, if you could ask that staff member to keep any information confidential until the report is published, if you could guarantee or ask that, that would be accepted. But it's really up to the committee.

**Mr. Vic Dhillon:** Chair, I think—

**The Chair (Mr. Lorenzo Berardinetti):** I had two other speakers before you. Monique Taylor? Your mike came on. I'm sorry; Lisa Thompson.

**Ms. Lisa M. Thompson:** Thanks very much, Chair. I just have a couple of questions, through you, to the third party. My understanding is that this isn't a new routine. In speaking to other MPPs, like the MPP from Muskoka-Parry Sound, this is a normal practice for report writing. Chair, through you to the third party, what's different this time to make them object to in camera sessions? Can I ask that question through you?

**The Chair (Mr. Lorenzo Berardinetti):** Yes.

**Mr. Paul Miller:** I'd be happy to answer the question. In my experience over the years in municipal politics, the only time council ever got in trouble—

**Mr. Vic Dhillon:** This isn't municipal politics.

**Mr. Paul Miller:** Just let me finish, Mr. Dhillon. When we got into these situations, lots of times we got in

trouble, because there were three things you didn't deal with: personnel matters, real estate purchases by the community, and financial. This is partially financial, because you're talking about the WSIB; you're talking about underfunding; you're talking about changes to the WSIB which will affect funding. So that falls into those three categories, and that's why I have a problem with it.

Now, if you're willing to allow one staff member from each party to stay, I'd be okay with that, because then it's not really a closed-door session because you've allowed staff in there. It's kind of in-between. But I don't think staff are going to run out and tell anyone, and I think they'd be confidential. I could live with that. But I don't think you're going down the right road with this. That's my opinion and I'm sticking to it.

**Ms. Lisa M. Thompson:** Yes. I appreciate it.

**The Chair (Mr. Lorenzo Berardinetti):** Vic, did you want to say something?

**Mr. Vic Dhillon:** We can't draw parallels between municipal and provincial politics. It's a totally different ball game. I'm sure if Mr. Miller would look at history, it's always been the tradition of an in camera meeting.

**Mr. Paul Miller:** Did you serve in municipal politics? Were you ever a councillor?

**Mr. Vic Dhillon:** Well, I've served longer than you in provincial politics.

**Mr. Paul Miller:** Were you a councillor?

**Mr. Vic Dhillon:** I've served longer than you in provincial politics.

**Mr. Paul Miller:** I guess you weren't. Okay.

**The Chair (Mr. Lorenzo Berardinetti):** Okay. Randy?

**Mr. Randy Pettapiece:** I did serve in municipal politics and I understand what you're talking about. However, when we dealt with matters that could involve money, a lot of times we did go in camera; with personnel matters was another reason. We had one person in camera, the clerk on municipal council, unless another department had to be there because of their expertise in the matter. I think we're making a big deal of this thing that doesn't have to be made. We can go in and out of in camera at any point, and I can see a more relaxed demeanour in the in camera sessions than in open committee. So I really don't see why we're blowing this thing up. It's a minor point, in my opinion. However, I have no issue with going in camera to discuss certain things.

0920

**The Chair (Mr. Lorenzo Berardinetti):** Jim McDonell?

**Mr. Jim McDonell:** I think it's the norm; we should do that. But I have no problem with having staff members around. They do a lot of the work in the background and not being here would be a problem. But it still keeps the spirit of it being in camera. It allows us to speak freely and we tend to be more productive when we're trying to work. I'd certainly appreciate it if they—and even myself, I'd appreciate having a staff member to help us out. They tend to do a lot of the work in the back-

ground between meetings. It would probably save some time overall.

**The Chair (Mr. Lorenzo Berardinetti):** Okay.

**Mr. Vic Dhillon:** Chair, in the interest of moving forward, I think we're making unreasonable comparisons because I certainly can tell you that in municipal politics, there are no staff members attending in camera meetings, but in the interest of moving forward, I would be okay with allowing one staff member to be present.

**The Chair (Mr. Lorenzo Berardinetti):** I just want to chip in a word. I think you have a point, Mr. Miller—Paul—about the whole in camera thing. But number one, the reason to go in camera when you're in municipal politics is because of those three issues that we discussed.

Here, by going in camera, we can talk freely about some issues; some of them may be personnel, some of them may be financial matters that we're dealing with. So I think the reason is to have a more informal discussion in camera because whatever we come up with—whatever recommendations—is public. We're not hiding anything from the public. It's just to allow more frank discussion to go on.

My feeling is that by staying in open session, we might say stuff or suggest things that, in the end, we're not going to do. I remember sitting for hours and hours in camera, where you hash out the financial matters or hash out the personnel matters or whatever.

The third reason, as well—and I dislike going in camera, but at least when we're finished, we come out with a recommendation that's public. I think that's the reason here too: We want to come out with a report that's public.

Go ahead.

**Mr. Paul Miller:** Two things, then. You can vote on whether you want to go in camera or not, and I want it recorded. Secondly, you can vote whether you're going to allow a staff member. If you allow a staff member from each party to stay, I don't have a problem. If you don't, if you vote no to both, I'm leaving. That's your option, Mr. Chair. Call the vote for it.

**The Chair (Mr. Lorenzo Berardinetti):** Okay. Let me just say one thing. I think by keeping a staff member in, it's not really in camera—

**Mr. Paul Miller:** Exactly.

**The Chair (Mr. Lorenzo Berardinetti):** Yes, because basically the members discuss and hash out—

**Mr. Paul Miller:** That's what I wanted.

**The Chair (Mr. Lorenzo Berardinetti):** —the differences.

**Mr. Paul Miller:** The Clerk just said if it's voted acceptable, it's acceptable to have a person. So I'm getting mixed messages from the two people sitting at the front.

**The Chair (Mr. Lorenzo Berardinetti):** Okay. Honestly, I've been here for a while, this is the first time I've had to have this suggestion to go in camera—the first time, and I've sat on committees since I first—

**Mr. Paul Miller:** Well, there's a first time for everything, Mr. Chair.

**The Chair (Mr. Lorenzo Berardinetti):** Yes. So I'm trying to wrap my head around it too but I think the idea is—

**Mr. Paul Miller:** You know what I think? I think I can clarify it for you. This is a very sensitive issue, especially to our people who are here today and the people who have been lobbying us from our sections. They find this very—they get a little leery when things are done behind closed doors; needless to say, the general public does, whether we like it or not.

The bottom line here is that I'm trying to make this an open process. The government said they want everything accountable and open. They say it every day in the House. This is another example of why—why would we have it in camera? What are we hiding? What discussions would not be privy to the people listening or the staff members—that we would say that we wouldn't normally say?

I don't understand what's going to be achieved by being in camera that's going to be any different than it would be if the staff were here. I'm going to say what I think no matter who is here, and so would they, I assume. This cloak of secrecy has really got me nervous. I can tell you, I've dealt with this for years. Maybe in eastern Ontario, they do it differently, but in Hamilton, in that area, we got in a lot of trouble for in camera meetings. I don't like it, I'm not comfortable with it. You guys can do what you want. That's me.

**The Chair (Mr. Lorenzo Berardinetti):** Okay. Mr. Pettapiece?

**Mr. Randy Pettapiece:** Shakespeare wrote a play *Much Ado About Nothing*, and I think that's what this is. We're getting a little too political on this—

*Interjection.*

**Mr. Randy Pettapiece:** Excuse me, excuse me.

*Interjections.*

**The Chair (Mr. Lorenzo Berardinetti):** Order, please. Go ahead.

**Mr. Randy Pettapiece:** We're getting too political on this, and I think that's what going on over here. If we can't proceed with this agency as has been done in the past, I have trouble with that.

Like I say, when we were in council, where I'm from, there were certain matters that were dealt with in camera. This could be one of them. And we can go in and out of camera. I'm sorry; this is getting just a little bit on the silly side as far as I'm concerned.

**The Chair (Mr. Lorenzo Berardinetti):** I'm just saying this out loud—whatever we do, at the end of the report is public. The report is public. We're not going to do anything in secrecy. I think it's to allow for that.

For example, when you deal with personnel matters at the city level, you want to be able to discuss what happened or why you're thinking of changing personnel or whether you're going to hire or fire someone or discipline someone. You want to discuss it behind closed doors, but the recommendation that comes out about what you're going to do—it's not like we're hiding

anything; just to allow for that frank discussion like we used to do in camera at the city level.

**Mr. Paul Miller:** On city council, whenever you go in camera—anything in those three categories could involve litigation. That's why you went in camera: if it was finances, real estate or personnel matters. It sometimes did go to litigation, and we had problems.

Just because something has been done for the last 100 years and it's same old same old doesn't mean that new ideas can't come forward and changes be made to the procedures and protocol that are done on these committees. I personally think that the public has a right to be involved in everything that's said in this room. That's my humble opinion.

You guys can vote on it, and I'll do what I've got to do.

**Mr. Vic Dhillon:** Ridiculous ideas. Ridiculous.

**Mr. Paul Miller:** Well, that's your opinion.

**The Chair (Mr. Lorenzo Berardinetti):** Mr. Pettapiece or Mr. McDonell.

**Mr. Randy Pettapiece:** I'd like to call a recess.

**The Chair (Mr. Lorenzo Berardinetti):** A 10-minute recess. Okay, that's fine. The committee will recess for 10 minutes and come back at 20 to 10. Thank you. We are recessed.

*The committee recessed from 0930 to 0945.*

**The Chair (Mr. Lorenzo Berardinetti):** Okay, the committee is back in order right now. Before we decide, is there any further discussion? Ms. Helena Jaczek.

**Ms. Helena Jaczek:** I think it's important for us all to think why we're here in this committee. We have the public interest at heart; I'm sure all of us do. What we want to do is to write a report that makes recommendations related to WSIB so that this agency serves as many Ontarians in the appropriate way as possible.

I think that, personally, in the spirit of compromise we can reach consensus and have a report that we can deliver to the Legislature that we're all happy with. I think the best way of achieving that is through an in-camera session because of the toing and froing that occurs. I've been on several committees in the five years I've been here where we've gone in camera with report writing, and it really does change the dynamics. People make points very freely and you can build consensus.

Now, in the spirit of compromise, I'd be very much in favour of what the NDP have suggested, that in fact we do have one staff person per caucus present. I think that would save time. I think it will be much more productive if we have that staff person. The fact that that hasn't occurred in the past is interesting, because I in fact think it's a good idea. When it comes to however we're going to be voting, I'm certainly going to be in favour of in camera with one staff person per caucus.

**The Chair (Mr. Lorenzo Berardinetti):** Okay. Any further discussion? We'll take it to a vote. Do you want to do one vote or anyone want to split it into two votes? This would be a motion—

**Mr. Paul Miller:** Two votes—recorded, please.

**The Chair (Mr. Lorenzo Berardinetti):** Jim?

**Mr. Jim McDonell:** I guess it would be proper then to put a motion on the floor with consensus to do it with a staff person, just make the one motion and move it from there—or that we do it with one staff member present per caucus. That seems to be what the consensus is. I'd be prepared to do that, I guess, if that's what it took. Sure.

**The Clerk of the Committee (Ms. Anne Stokes):** So the motion is that the committee move in camera and each caucus would have one staff person available.

**Mr. Jim McDonell:** Yes.

**The Chair (Mr. Lorenzo Berardinetti):** Is that okay with everybody? All those in favour of that? Opposed? That carries.

**Mr. Randy Pettapiece:** Who made the motion?

**The Clerk of the Committee (Ms. Anne Stokes):** Mr. McDonell.

**Ms. Lisa M. Thompson:** Who seconded it?

**The Clerk of the Committee (Ms. Anne Stokes):** We don't need to second it.

Did you want a recorded vote, Mr. Miller?

**Mr. Paul Miller:** If Mr. McDonell is bringing forth the one, I can live with that, because that's basically what my idea was.

**Mr. Jim McDonell:** That's what the consensus is.

**Mr. Paul Miller:** I can live with the one. I don't need the other one if that goes.

**The Chair (Mr. Lorenzo Berardinetti):** Okay, so we'll vote again.

Mr. McDonell is moving a motion that we're moving to in camera, but that each party or each person, I guess—

**The Clerk of the Committee (Ms. Anne Stokes):** No, each party.

**The Chair (Mr. Lorenzo Berardinetti):** Each party, I'm sorry—each party has one staff member present.

And you want this recorded, Mr. Miller?

**Mr. Paul Miller:** Yes.

#### Ayes

Dhillon, Dixon, Jaczek, McDonell, Paul Miller, Pettapiece, Taylor, Thompson.

**The Chair (Mr. Lorenzo Berardinetti):** Okay, so that carries.

**The Clerk of the Committee (Ms. Anne Stokes):** I just would like to clarify that the idea of being in camera is that the discussions are confidential, so I would like to ask that each caucus can ensure that their staff would keep everything confidential, that there isn't premature discussion going on.

**The Chair (Mr. Lorenzo Berardinetti):** Okay.

**The Clerk of the Committee (Ms. Anne Stokes):** And so now, if we could recess for five minutes just to clear the room.

**The Chair (Mr. Lorenzo Berardinetti):** Yes. So, a recess for five minutes just so we can clear the room. Okay? Thank you.

**Mr. Paul Miller:** Thank you, Mr. Chair.

**The Chair (Mr. Lorenzo Berardinetti):** You're welcome.

*The committee continued in closed session at 0950.*

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