

May 10, 2016

Grant Crack, MPP  
Chair, Standing Committee on General Government  
Legislative Assembly of Ontario  
Mowat Block, 22nd Floor  
900 Bay Street  
Toronto, Ontario  
M7A 1L2

Re: Misrepresentation of Testimony before the Standing Committee on General Government

Dear MPP Crack:

On April 6, 2016, in my capacity as Ontario's Financial Accountability Officer, I appeared before the Standing Committee on General Government (the Committee) to testify on Bill 172, *Climate Change Mitigation and Low-carbon Economy Act, 2016* (the Act), which is currently awaiting third reading in the Legislative Assembly. In my testimony, I expressed concern that I would be unable to access evaluations of greenhouse gas reduction initiatives to be prepared by the Minister of the Environment and Climate Change (the Minister) according to statutory criteria and submitted to the Treasury Board for its approval under subsection 68(3) of the proposed Act.

I consider access to the evaluations necessary to conduct analysis of whether the Act as a whole will be fiscally neutral, and, should I be requested to do so by an MPP or a committee, to provide an estimate of the financial costs and benefits of a particular initiative. Accordingly, in my testimony, I recommended that the Committee consider amending the bill either to require the Minister to structure the evaluations to facilitate disclosure once the Treasury Board had approved the evaluation or to require the Minister to publish the evaluations of initiatives once approved by the Treasury Board.<sup>1</sup>

During clause-by-clause consideration of the bill, the Committee added subsection 68(3.1) to the proposed Act, which requires the Minister to report at least once a year on his evaluations of the greenhouse gas reduction initiatives approved by the Treasury Board.<sup>2</sup> The government member who proposed the amendment, MPP Arthur Potts, said that “[f]rom *our* discussions with the Financial Accountability Office, this is what they were looking for”.<sup>3</sup>

It is not clear whether the “our” in the member’s statement refers to the Committee or the government. In any case, the government did not consult me on the addition of the reporting requirement. The clause as adopted is not consistent with what I recommended to the Committee in my testimony.

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<sup>1</sup> Ontario, Legislative Assembly, Standing Committee on General Government, “Consideration of Bill 172, *An Act respecting greenhouse gas*” in *Official Report of Debates (Hansard)*, No G-44 (6 April 2016) at 925–927.

<sup>2</sup> Ontario, Legislative Assembly, Standing Committee on General Government, “Consideration of Bill 172, *An Act respecting greenhouse gas*” in *Official Report of Debates (Hansard)*, No G-49 (2 May 2016) at 1041–1042.

<sup>3</sup> *Ibid* at 1042 (emphasis added).

A report published up to a year after the Treasury Board approves the initiative and which may not include relevant details contained in the original evaluation will do little to help me provide analysis to the Legislative Assembly concerning the financial impact of the proposed Act and the initiatives funded by virtue of the Act. As I explained to the Committee, only routine disclosure of evaluations or at least, structuring the evaluations to allow the disclosure of background information they contain, would allow me to have access to the information that I need to provide the Legislative Assembly with this analysis.

In claiming that the reporting requirement was “what [I was] looking for”, the member misrepresented my opinion and level of participation in the development of amendments to the bill. Furthermore, the member did not ask me whether the requirement was consistent with my recommendations.

Sincerely,



Stephen LeClair  
Financial Accountability Officer

CC:  
Sylwia Przewdziecki  
Clerk, Standing Committee on General Government