Master's Research Paper

Officers of the Assembly and the Ontario Legislature: Reconsidering the Relationship

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Abstract

Officers of Parliament, or as they are referred to in Ontario, “officers of the Assembly”, have emerged within Westminster systems as a recognized tool for enhancing parliamentary oversight and increasing transparency in government. However, in Ontario, the absence of a clearly defined relationship with the provincial legislature has meant that certain officers of the Assembly have felt it necessary to “lobby” individual members and committees, as well as the media, in order to carry out their accountability and oversight functions. This lack of clarity places unnecessary stress on the relationship between independent officers, the Ontario Legislature, and the public sector, and can also negatively impact the public’s perception of government overall. This paper looks specifically at the relationship between the Ontario Legislature and officers of the Assembly, in terms of their governance structures, their appearances in legislative committees, and references to their work in House and committee proceedings. It finds that reforms are needed in order to strengthen officers’ relationships with the Legislature. Independent officers possess few powers of enforcement and as such, strong ties to the Assembly are necessary to ensure that recommended action is taken by legislators defend public trust and dollars.

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Introduction

Independent officers of Parliament and legislatures have emerged within Westminster systems as a recognized tool for enhancing parliamentary oversight and increasing transparency in government. However, it has been suggested that the ability for these officers to fulfill their mandates largely depends on the quality and frequency of their interactions with the legislative bodies that created them (Bergman and Macfarlane, 2018; PPF, 2018; Hanna, 2012). In Ontario, a lack of formalized relationship with the Legislature has meant that certain officers of the Assembly have felt it necessary to “lobby” individual members and committees, as well as the media, in order to carry out their accountability and oversight functions. This lack of clarity places unnecessary stress on the relationship between independent officers, the Ontario Legislature, and the public sector, and can also negatively impact the public’s perception of government overall. This paper explores this important relationship using a mixed-methods approach. It begins by critically examining the literature on independent officers in Ontario and across the Commonwealth and by comparing officers’ enabling statutes and relevant Standing Orders. From there, this paper looks at the number of times independent officers appeared before the Legislature’s nine standing committees as a measure of officers’ interactions with the Assembly. Finally, recognizing that committee appearances alone are not a complete measure of the relationship between independent officers and the Legislature, the total number of references to officers of the Assembly and their reports in both House and committee proceedings were recorded in an effort to assess the use of these officers’ work. This paper concludes by recommending various reforms aimed at strengthening officers' relationships with the Legislature. Independent officers possess few powers of enforcement and as such, strong ties to the Assembly are necessary to ensure that recommended action is taken by legislators defend public trust and dollars and to fully conduct their intended function.

Background

Officers of Parliament, or as they are referred to in Ontario, "officers of the Assembly", have emerged within Westminster systems as a recognized tool for enhancing parliamentary oversight and increasing transparency in government. In Canada, the history of parliamentary officers' dates back to 1878, with the appointment of the country's first independent auditor general (OAG, 2017). Ontario followed not long after, appointing its first independent provincial auditor in 1886 (Office of the Auditor General of Ontario, "History of Our Office", 2020). These first auditors were responsible for scrutinizing government spending and overseeing the issuance of government cheques however, over time their mandates have evolved to meet the increased scope and complexity of government in Canada (OAG, 2017). The perceived success of this model helped spur the proliferation of officers of Parliament and legislatures across Canada. Today, there are 87 independent officers operating at the federal, provincial and territorial levels (see Appendix A – Independent officers of Parliament and legislatures in Canada). While their spheres of responsibility vary, from ethics and privacy to the administration of elections, their primary function is to support legislators with the oversight of executive authority and to assist in protecting the rights of everyday citizens (Hurtubise-Loranger, 2018; Parliament of New Zealand, 2017; Thomas, 2003a). To ensure their independence, these officers report directly to the legislative body that created them, rather than to government or a specific minister. Their terms of office are fixed by statute, as is the manner of their appointment, suspension, and removal. In Ontario and across the Commonwealth, independent officers of Parliament and legislatures are generally established by way of individual enabling legislation rather than through a main statutory framework. On this, Thomas (2018b) writes:

> Separate legislation makes sense given the unique tasks performed by each agency. However, the ad hoc, gradual establishment process for agencies can lead to significant differences in the breadth of their mandates, the legal powers they possess, the procedures for appointing heads of agencies, the length of terms, how agencies obtain their funding and staffing and to whom they report with what frequency (p. 4).

This lack of common statutory framework has fuelled considerable debate over the work of independent officers. Discussions are ongoing as to where these officers fit within existing constitutional frameworks, their impact on democratic institutions, and the extent of their relationship with the legislative bodies that created them. Further complicating the matter is a lack of statutory definition of, or criteria for, independent officers of Parliament and legislatures (Library of Parliament, 2018; Parliament of New Zealand, 2017; Victorian PAEC, 2006). Questions of which officers qualify as oversight agencies feature prominently in the literature on independent officers, as do discussions over the terminology used to describe them. At the federal level, these officers are referred to as "officers of Parliament", whereas across the Commonwealth, a host of other terms are used when referring to these officers, including, but not limited to, "agent of Parliament", "parliamentary agent" and "parliamentary officer". However, for the purposes of this paper, the terms "officer of the Assembly" and independent officer will be used interchangeably. In Ontario, there are six independent officers referred to by statute as "officers of the Assembly". They include: (1) the Auditor General of Ontario; (2) the Chief Electoral Officer; (3) the Ombudsman; (4) the Information and Privacy Commissioner; (5) the Integrity Commissioner; and (6) the Financial Accountability Officer.[i] The criteria used to define their work is laid out in the upcoming section.

Officers of the Assembly in Ontario

Independent officers of the Legislative Assembly of Ontario are created by, and report directly to the Legislature, rather than to government or a specific minister. They are selected by unanimous consent of an all-party panel chaired by the Speaker as a non-voting member. Any selections made are subsequently reported to the House for a vote which, if passed, leads to an appointment by the Lieutenant Governor in Council (LGIC).[ii] Officers of the Assembly are required through their enabling legislation to report to the House on the activities of their office and they may be suspended or removed from office, for cause, by a vote of at least two-thirds of the members of the Assembly. At the federal level, the Library of Parliament includes an additional criterion, a statutory term of office, to distinguish between the work of independent officers of Parliament and other accountability agencies (e.g. the Senate Ethics Officer) (Library of Parliament, 2018; Stos, 2017). This is not used within the context of this paper, as the Chief Electoral Officer's term of office is not fixed by statute in Ontario.

As is the case with their federal, provincial, and territorial counterparts, the roles and responsibilities assigned to Ontario's independent officers varies. However, they share a responsibility of supporting elected representatives in overseeing and scrutinizing the work of government and holding it to account. The manner in which they are appointed in Ontario, their accountability to the Assembly, their duty to report to the Speaker, and their independence from government are consistent across their enabling legislation, however there are notable differences. As outlined in Table 1, officers' term limits vary. The Auditor General holds office for a non-renewable ten-year term, while the Chief Electoral Officer's term of office is not fixed in statute (*Auditor General Act, 1990*; *Election Act, 1990*). The four remaining officers of the Assembly are appointed for five-year terms, with the option of reappointment for one further term of five years. Another key difference is the degree to which officers' relationships with the Legislature are set out by statute and in the formal rules by which the House regulates its proceedings, the Standing Orders. It is this relationship that is the focus of this paper.

TABLE 1: OFFICERS OF THE ASSEMBLY IN ONTARIO					
	Date of Creation	**Enabling Statute**	**Appointment**	**Term of Office**	**Removal/ Suspension**
Auditor General	1886	*Auditor General Act**	Appointment by the LGIC, with unanimous consent of all-party panel	10 years (non-renewable)	Vote passed by at least two-thirds of the House
Ombudsman	1975	*Ombudsman Act*	Appointment by the LGIC, with unanimous consent of all-party panel	5 years (reappointment for one five-year term)	Vote passed by at least two-thirds of the House
Chief Electoral Officer	1984*	*Election Act*	Appointment by the LGIC, with unanimous consent of all-party panel	No fixed term	Vote passed by at least two-thirds of the House
Information and Privacy Commissioner	1988	*Freedom of Information and Protection of Privacy Act*	Appointment by the LGIC, with unanimous consent of all-party panel	5 years (reappointment for one five-year term)	Vote passed by at least two-thirds of the House
Integrity Commissioner	1988	The Commissioner is made an officer under the Members' Integrity Act, however, four additional *Acts* govern the activities of the office: (1) *Members' Integrity Act;* (2) *Lobbyists Registration Act, 1998*; (3) *Public Service of Ontario Act, 2006*; (4) *Cabinet Ministers' and Opposition Leaders' Expenses Review and Accountability Act, 2002*; and (5) *Public Sector Expenses Review Act, 2009*	Appointment by the LGIC, with unanimous consent of all-party panel	5 years (reappointment for one five-year term)	Vote passed by at least two-thirds of the House
Financial Accountability Officer	2013	*Financial Accountability Officer Act*	Appointment by the LGIC, with unanimous consent of all-party panel	5 years (reappointment for one five-year term)	Vote passed by at least two-thirds of the House

*The Auditor General is also responsible, under the *Government Advertising Act, 2004*, for reviewing and approving certain types of proposed government advertising. The *Fiscal Transparency and Accountability Act, 2004*, also empowers the Auditor to review and report on a pre-election report prepared by the Ministry of Finance on the province's expected financial performance.

*The Chief Election Officer (now the "Chief Electoral Officer") was made an officer of the Legislative Assembly of Ontario in 1984, however the position has existed in the province since 1926 (Elections Ontario, 2020).

Parliamentary Relationships with Officers

It has been suggested that an officer's ability to fulfill their mandate is directly tied to the nature and extent of their interactions with Parliament (Bergman and Macfarlane, 2018; PPF, 2018; Hanna, 2012). On this relationship, the Public Policy Forum said the following:

> Some, like auditors general in Ottawa and the provinces have strong ties to a legislative committee, which meets frequently throughout the year and takes an in-depth look at regular and special reports issued by the auditor general. Many other agents are basically on their own, tabling reports with the Speaker that seldom get the attention of a legislative committee. (PPF, 2018)

This is the case in Ontario where the Office of the Auditor General regularly attends meetings of the Standing Committee on Public Accounts while other officers seldom appear before [legislative] committees. The Auditor General works closely with the Public Accounts Committee to provide Members with objective advice and recommendations resulting from independent audits of government programs, crown agencies and corporations (Auditor General of Ontario, 2012). Based on issues raised by the Auditor, the Committee will often invite the deputy minister and staff of the relevant ministry to appear before the committee. From time-to-time, the Committee will also request that the Auditor General conduct a special audit or study pursuant to Sections 16 and 17 of the *Auditor General Act*. According to the Office of the Auditor General, regular involvement with the Public Accounts Committee has meant that the Auditor can impact accounting treatment in the Province and influence policy reforms (AGO, 2012). The Standing Committee on Public Accounts, with the assistance of the Auditor General, has also successfully uncovered instances where the Ontario government failed to properly defend public dollars and trust. One notable example includes the Committee's examination of the Auditor General's Special Report: Ornge Air Ambulance and Related Services. After hearing from 85 witnesses, the Public Accounts Committee tabled its Summary Report which confirmed that Ornge management had obscured “lines of accountability and the flow of money” and was able to do so as a result of:

> …the absence of due diligence and oversight on the part of the Ministry of Health and Long-Term Care in applying a robust accountability framework [and] the lack of transparency and accountability on the part of Ornge’s management and Board of Directors. (PAC, Ornge Air Ambulance and Related Services Summary Report. (p. 2)

In its 2016 Annual Report, the Office of the Auditor General stated that 61% of recommendations contained in the Auditor’s initial report had been fully implemented and that progress on the outstanding recommendations was still ongoing (AGO 2016 Annual Report, Chapter 2). Comparatively, other officers of the Assembly may be called upon from time to time to comment on a particular matter, but overall, their interactions with Members in formal parliamentary settings are limited. This is the case not only in Ontario but across Canada; one former officer was quoted saying that “there are agents whose reports are not reviewed at all by Parliament” (PPF, 2018). This leads some, including officers, to believe that their work is often routine, and without effect (PPF, 2018; Monk, 2010). A more recent study on the impact of Canada’s Conflict of Interest and Ethics Commissioner (CIEC) explored this point further and found that the office of the CIEC is constrained in its mandate and its impact by virtue of the “limited nature and extent of its relationship with Parliament” (Bergman & Macfarlane, 2018). In the absence of regular interactions with the House and its committees, many have observed that officers will appeal directly to the public or the media in order to carry out their oversight and accountability functions (Pond, 2010; Thomas, 2018b; Savoie, 2008). For certain independent officers, this have proved to be an effective strategy. For example, in an article entitled “Ombudsman Strategies for Getting to Yes and Beyond: Acceptance and Implementation of Recommendations” the Ontario Ombudsman stated that:

> Media engagement, the use of social media, press conferences, and even follow-up reports may be necessary as part of the Ombudsman’s advocacy for recommendations if an organization fails to address them adequately (2020).

Similarly, in an interview with Karim Bardeesy, former Director of Policy and Research under then Premier Dalton McGuinty, Bardeesy was quoted saying that when officers “attract media attention with a report the public and policy-makers will be more on side with their recommendations and reforming policy” (Hanna, 2012). However, whatever its effectiveness, this approach has generated a great deal of criticism. Certain authors have come to question the credibility and legitimacy of independent officers, going so far as to say they are: “publicity seekers motivated more by the limelight than improving the quality of government” (Stos, 2017; PPF, 2018). According to Jack Stilborn, a former employee of the Library of Parliament, regular reliance on the media can be both “dangerous and necessary for these agents”. For, while certain officers have successfully engaged the media to generate support around a particular issue, in doing so they run the risk of alienating members of the executive and the public service through “gotcha” moments (PPF, 2018; Stos, 2017). This approach has also led some to suggest that an officer’s success is dependent, in part, on the Officer’s personality (Berman and Macfarlane, 2018; Hanna, 2012). However, this specific debate will not factor into the present study given that the impact of dispositional traits on performance is not unique to the work of officers of Parliament and constitutes a separate study altogether. Ultimately, the overarching theme of this debate is whether or not the parliamentary relationship with independent officers, or lack thereof, affects officers’ ability to fulfill their mandate. To date, the evidence used to support expressions of this argument have been largely anecdotal. This paper proposes a more formal assessment of this relationship in order to gain better insight into the interactions of independent officers and the Legislative Assembly of Ontario.

Methodology

This paper approaches the study of the relationship between officers of the Assembly and the Ontario Legislature from a neoinstitutionalist perspective, namely through three key types of institutionalisms: rational choice, historical and discursive (Friel, 2017; Schmidt, 2010; North, 1990). Rather than view these approaches as independent, this paper supports Schmidt's (2010) view that these forms of institutionalisms should be considered in conjunction with one other. This paper maintains that in order to fully understanding the complexity of interactions between these independent officers and the Ontario Legislature, one must first recognize that, in line with rational choice institutionalism, parliamentary actors have "fixed preferences and act rationally to maximize their preferences" (Friel, 2017). This paper finds that officers of the Assembly can only influence these parliamentary players by "incentivising actions and reducing uncertainties", as such, this paper approaches the study of their work from a functionalist perspective (Friel, 2017). Historical institutionalism also informed the methodology applied herein, as independent officers were established at different points in Ontario's history and as such, it is important to understand how this affects their relationships with the provincial legislature. At the same time, discursive functionalism helps explain the nature and extent of this relationship, as regular interactions, or lack thereof, play an important role in the formation of ideas. These perspectives combined, informed the development of the following methodological approach.

A recent trend has emerged in the study of Westminster systems whereby quantitative measures are being used to examine the work of various parliamentary actors and institutions (Monk, 2010). Citing an overreliance on anecdotal evidence and a lack of clear criteria against which to measure the work of parliamentary committees, authors Monk (2010), Hindmoor et al. (2009) and Tolley (2009), argue that the majority of research in this area is not carried out in a systematic manner. This paper argues for a similar approach to the study of independent officers of Parliament and legislatures in Canada. To date, examinations of the work of independent officers have primarily been conducted using qualitative methods, including interviews, roundtable discussions, and the formation of advisory groups (PPF, 2018; Hanna, 2012; Thomas, 2018b; Smith, 2011). Building off the works of Monk (2010) and Hindmoor et al. (2009), this paper employs a mixed-methods approach in order to gain better insight into the relationship between officers of the Assembly and the Ontario Legislature. After critically examining the literature on parliamentary relationships with independent officers, this paper compared officers' enabling statutes and relevant Standing Orders in order to identify any inconsistencies in the provisions governing their work. From there, this paper looked at the number of times independent officers appeared before Ontario's nine standing committees as a measure of officers' interactions with the Assembly. This paper found that only the Auditor General of Ontario, the Financial Accountability Officer, and the Ontario Ombudsman are assigned a "home" committee. Of these officers, only the Auditor General meets regularly with its respective committee. Based on these findings, a case study of these three officers was conducted in order to identify possible reasons behind this occurrence. Finally, recognizing that committee appearances alone are not a complete measure of the relationship between independent officers and the Legislature, the total number of references to officers of the Assembly and their reports in Hansard was recorded in an effort to quantify the use of these officers' work. While this is not a perfect measure it nevertheless revealed important insights into the degree to which the work of officers informs debate in the House and its committees. This paper concludes that while independent officers can contribute to the democratic process in the absence of a parliamentary relationship, reforms can be made to establish clear lines of authority and accountability and strengthen officers' ties to the legislature. This will allow officers of the Assembly to fulfill the primary role for which they were intended: to support legislators with the oversight of executive authority and protect the rights of everyday citizens (Hurtubise-Loranger, 2018; PPF, 2018; Parliament of New Zealand, 2017; Thomas, 2018b).

Findings and Analysis

An examination of the current legislative framework applying to Ontario's independent officers revealed inconsistencies, particularly as it relates to their relationships with the House and its committees. Few formal links exist between officers of the Assembly and the Legislature and as a result, the relationships between officers and the Legislature vary greatly. As can be seen in Table 2, only the Auditor General, the Financial Accountability Officer, and the Ombudsman are assigned a "home" committee.

TABLE 2: OFFICERS OF THE ASSEMBLY IN ONTARIO - GOVERNING AUTHORITIES

	Enabling Statute	Reporting Requirements	"Home" committee '*n/s*' *denotes not specified*
Auditor General	*Auditor General Act*	Annual report to the Speaker of the House, to be laid before the Assembly. All reports of the Auditor stand permanently referred to the Standing Committee on Public Accounts [S.O. 111(h)]	Standing Committee on Public Accounts
Ombudsman	*Ombudsman Act*	Annual report to the Speaker of the House, to be laid before the Assembly	Standing Committee on the Legislative Assembly*
Chief Electoral Officer	*Election Act*	Annual report to the Speaker of the House, to be laid before the Assembly	n/s*
Information and Privacy Commissioner	*Freedom of Information and Protection of Privacy Act*	Annual report to the Speaker of the House, to be laid before the Assembly	n/s
Integrity Commissioner	*Members' Integrity Act*	Annual report to the Speaker of the House, to be laid before the Assembly	n/s
Financial Accountability Officer	*Financial Accountability Officer Act*	Annual report to the Speaker of the House, to be laid before the Assembly. All reports of the FAO stand permanently referred to the Standing Committee on Finance and Economic Affairs [S.O. 111(e)]	Standing Committee on Finance and Economic Affairs

*Under s. 88 of the *Election Act*, any committee of the Assembly may order the production of documents and/or summon any person to give evidence during an inquiry in relation to an election.

*Section 15 of the *Ombudsman Act* and Standing Order 111(g) empowers the Committee to formulate general rules to guide the Ombudsman in the exercise of his or her functions under the Act and to review and to examine and report on the Ombudsman's account of the activities of his or her office.

The quality of an officer's relationship with Parliament is also affected by the processes governing their appointment, suspension, or removal, as well as their term limits. In its 2018 report, the Public Policy Forum advanced various recommendations for how to ensure the independence officers of Parliament and legislatures and clarify lines of accountability (PPF, 2018). These procedures are already in place in Ontario and as such, they will not be addressed herein (Refer to Table 1).

Appearances in Committee by Officers of the Assembly

As a further measure of the interactions between officers of the Assembly and the Ontario Legislature, this paper looked at the number of times independent officers appeared before the Assembly's nine standing committees. The information contained in Table 3 was gathered using the official record of committee business: the minutes of proceedings. 902 sets of minutes were reviewed, along with the corresponding transcript of committee proceedings, spanning across the 41st and 42nd Parliaments in Ontario. Table 3 includes a full listing of the number of committee meetings, broken down by committee and by parliamentary session, along with the total number of appearances in committee by officers of the Assembly. Through this exercise, the following information was obtained.

Across the 41st and 42nd Parliaments, the Officer of the Auditor General of Ontario was in attendance at almost every meeting of the Standing Committee on Public Accounts. In the first session of the 41st Parliament, the Auditor General's office attended 43 out of a total of 44 meetings (97 percent). The one occasion on which the Auditor's office was not in attendance was when the Committee met to discuss the 2015 Annual Conference of the Canadian Council of Public Accounts Committees (CCPAC) (PAC, Minutes of Proceedings, 3 June 2015). During the second and third sessions of the 41st Parliament, the Office of the Auditor General of Ontario was in attendance at all meetings of the Public Accounts Committee. Since the start of the 42nd Parliament, the Auditor has been in attendance at 97 percent of all meetings of the Standing Committee on Public Accounts

(31 meetings out of a total of 32). The Auditor did not attend committee in one instance, when the Committee met to elect a Chair and to appoint a Vice-Chair and Sub-Committee on Committee Business (PAC, Minutes of Proceedings, 8 August 2018). Through this examination, it was found that during the 41st and 42nd Parliaments, the Standing Committee on Public Accounts was the only committee to review the annual and special reports of their corresponding legislative officer. A full listing of the reports of the Auditor General of Ontario considered by the Standing Committee on Public Accounts over the 41st and 42nd Parliaments can be found in Appendix A.

TABLE 3: OFFICERS OF THE ASSEMBLY – APPEARANCES BEFORE STANDING COMMITTEE (41ST AND 42ND PARLIAMENT)

42nd Parliament, 1st Session (July 11, 2018 – Present)

	Auditor General of Ontario	Ombudsman	Chief Electoral Officer	Information and Privacy Commissioner	Integrity Commissioner	Financial Accountability Officer
Estimates Total # of Meetings: 13	0	0	0	0	0	0
Finance and Economic Affairs Total # of Meetings: 35	0	0	0	0	0	2
General Government Total # of Meetings: 28	0	0	0	0	0	1
Government Agencies Total # of Meetings: 28	0	0	0	0	0	0
Justice Policy Total # of Meetings: 17	0	0	0	0	0	0
Legislative Assembly Total # of Meetings: 14	0	1	0	0	0	1
Public Accounts Total # of Meetings: 32	31	0	0	0	0	0
Regulations and Private Bills Total # of Meetings: 13	0	0	0	0	0	0
Social Policy Total # of Meetings: 25	0	0	0	0	0	0

41st Parliament, 3rd Session (March 19, 2018 - May 8, 2018)

	Auditor General of Ontario	Ombudsman	Chief Electoral Officer	Information and Privacy Commissioner	Integrity Commissioner	Financial Accountability Officer
Estimates Total # of Meetings: 0	0	0	0	0	0	0
Finance and Economic Affairs Total # of Meetings: 2	0	0	0	0	0	0
General Government Total # of Meetings: 2	0	0	0	0	0	0
Government Agencies Total # of Meetings: 1	0	0	0	0	0	0
Justice Policy Total # of Meetings: 2	0	1	0	0	0	0
Legislative Assembly Total # of Meetings: 0	0	0	0	0	0	0
Public Accounts Total # of Meetings: 5	5	0	0	0	0	0
Regulations and Private Bills Total # of Meetings: 3	0	0	0	0	0	0
Social Policy Total # of Meetings: 3	0	0	0	0	0	0

41st Parliament, 2nd Session (September 12, 2016 - March 15, 2018)

	Auditor General of Ontario	Ombudsman	Chief Electoral Officer	Information and Privacy Commissioner	Integrity Commissioner	Financial Accountability Officer
Estimates Total # of Meetings: 30	0	0	0	0	0	0
Finance and Economic Affairs Total # of Meetings: 50	0	0	0	1	0	0
General Government Total # of Meetings: 42	0	0	4	0	0	0
Government Agencies Total # of Meetings: 30	0	0	0	0	0	0
Justice Policy Total # of Meetings: 31	1	1	0	1	0	0
Legislative Assembly Total # of Meetings: 25	0	0	0	0	0	0
Public Accounts Total # of Meetings: 36	36	0	0	0	0	0
Regulations and Private Bills Total # of Meetings: 24	0	0	0	0	0	0
Social Policy Total # of Meetings: 36	0	1	0	1	1	0

41st Parliament, 1st Session (July 2, 2014 - September 8, 2016)

	Auditor General of Ontario	Ombudsman	Chief Electoral Officer	Information and Privacy Commissioner	Integrity Commissioner	Financial Accountability Officer
Estimates Total # of Meetings: 47	0	0	0	0	0	0
Finance and Economic Affairs Total # of Meetings: 47	0	0	0	0	0	0
General Government Total # of Meetings: 68	2	1	11	0	2	1
Government Agencies Total # of Meetings: 39	0	0	0	0	0	0
Justice Policy Total # of Meetings: 25	0	0	0	1	0	0
Legislative Assembly Total # of Meetings: 30	0	0	0	1	0	0
Public Accounts Total # of Meetings: 44	43	0	0	0	0	0
Regulations and Private Bills Total # of Meetings: 26	0	0	0	0	0	0
Social Policy Total # of Meetings: 49	0	0	1	0	0	0

Comparatively, the annual reports of the Financial Accountability Officer and those of the Ontario Ombudsman were not reviewed in either the 41st or 42nd Parliament, despite being assigned a “home” legislative committee. As seen in Table 3, the Financial Accountability Officer appeared in Committee only five times across the 41st and 42nd Parliaments, only two of which were before the FAO’s designated committee: The Standing Committee on Finance and Economic Affairs. On June 1, 2020, the FAO, Peter Weltman, along with two staff, the Chief Economist and Deputy Financial Accountability Officer, David West, and Chief Financial Analyst, Jeffrey Novak, appeared before the Committee to speak on a study of the recommendations relating to the Economic and Fiscal Update Act, 2020, and the impacts of the COVID-19 crisis on certain sectors of the economy. This came following a request by the Committee, through Sub-committee report, to speak to the matter. During his presentation, the FAO remarked that: “The legislation that governs my office is explicit in the FAO’s requirement to support your committee, and we do so with open arms and enthusiasm...It’s our first formal appearance.” (Finance and Economic Affairs, Committee transcript, 1 June 2020). This was in fact the second appearance by the FAO before the Committee, however, the officer’s first appearance on October 18, 2018, was not by order of the Committee (Finance and Economic Affairs, Minutes of Proceedings, 18 October 2018). Instead, the FAO appeared before the Committee to deliver a briefing on the work on his office. Similarly, On September 26, 2018, the FAO appeared, on his own initiative, before the Standing Committee on General Government to deliver a similar presentation. With respect to the Ombudsman, the Standing Committee on the Legislative Assembly did not exercise its authority under Section 15 of the *Ombudsman Act* and Standing Order 111(g) to formulate general rules to guide the Ombudsman in the exercise of his or her functions under the Act and to review and to examine and report on the Ombudsman's account of the activities of his or her office. When compared to the Office of the Auditor General of Ontario, whose governing provisions are similar to that of the FAO and the Ombudsman, it is evident that further examination is required.

In addition, it was revealed that officers with no specified "home" committee were rarely invited to attend meetings of Ontario's Standing Committees. On the few occasions where they were called upon, it was not to discuss their annual reports. For example, the Chief Electoral Officer, despite having no formal ties to legislative committees, was invited to appear before committee on a number of occasions to provide independent, expert advice and recommendations. In 2016, the Chief Electoral Officer, Greg Essensa, was in attendance over the course of the Standing Committee on General Government's consideration of *Bill 201, An Act to amend the Election finances Act and the Taxation Act, 2007.* The CEO appeared once as a witness and following this, was in attendance to provide advice and answer questions, when required. On a final note, no officer of the Assembly appeared before the Standing Committee on Estimates or the Standing Committee on Regulations and Private Bills, and the Standing Committee on Government Agencies during this review period. This is largely due to the mandates of these committees, which are very specific in nature. The Standing Committee on Regulations and Private Bills is responsible for reviewing all regulations made at the provincial level in Ontario with reference to the scope and method of the exercise of delegated legislative power [S.O. 111(i)]. In addition, all private bills are permanently referred to this Committee for review. The Estimates Committee dedicates the majority of its time to consideration of the province's expenditure estimates while the Standing Committee on Government Agencies is empowered to review and report on intended appointments to, and the operation of, all agencies, boards and commissions in province and all corporations to which the Crown in right of Ontario is a majority shareholder [S.O. 111(f)]. The activities of these committees are prescribed by Standing Order and as such, little time is left for outside studies that may require support by officers of the Assembly. In sum, this exercise revealed considerable differences in the relationship between officers of the Assembly and Ontario's legislative committees. Further research is required, particularly with respect to the relationship between the FAO, the Auditor General, the Ombudsman, and their corresponding standing committees. The following section will consist of a review of officers' enabling statutes and any relevant Standing Orders to determine where the root of this issue lies.

Case Study: The Auditor General, the FAO, and the Ombudsman

Based on the findings of the previous section, a case study of three officers was conducted to compare the Auditor General of Ontario, the Ontario Ombudsman, and the Financial Accountability Officer's governance frameworks. These three officers are assigned a "home" committee by statute and/or under the Standing Orders and yet, their relationships with legislative committees varies considerably. As noted above, the Auditor General of Ontario appeared regularly before the Standing Committee on Public Accounts while the FAO appeared only twice before the Finance and Economic Affairs Committee.

The Ontario Ombudsman did not attend any meeting of the Standing Committee on the Legislative Assembly.

A comparative look at officers' enabling statutes revealed certain similarities, along with a number of differences (see Table 4). All three officers are required, under their enabling legislation, to report annually to the Assembly on the activities of their offices. However, the *Financial Accountability Officer Act* is the only statute to clearly state that reports of this office stand permanently referred to a "home" committee. A similar process applies to reports of the Auditor General, however, this is not specified in statute, rather it is outlined in the Standing Orders [S.O. 111(h)]. With respect to attendance in committee, both the Auditor General of Ontario and the Financial Accountability Officer are required, by statute, to attends meetings of their respective committees, upon request of the Committee. Comparatively, the Ombudsman is not required by statute to attend meetings of the Standing Committee on the Legislative Assembly, however under Standing Order 111(g), the Committee is empowered to:

> review and consider from time to time the Reports of the Ombudsman as they become available; and, as the Committee deems necessary, pursuant to subsection 15 (1) of the Ombudsman Act, to formulate general rules for the guidance of the Ombudsman in the exercise of his or her functions under the Act; and to report thereon to the Legislature and to make such recommendations as the Committee deems appropriate. [S.O. 111(g)]

In addition, under the *Auditor General Act*, the Auditor is required to undertake any study assigned by order of the Assembly, a Minister of the Crown and the Standing Committee on Public Accounts. The *Financial Accountability Officer Act* includes similar wording and also gives the FAO the ability to respond to research requests from members of the

Assembly and committees of the Assembly. From this review, a key observation was made. Various qualitative studies have referenced the fact that “there are agents whose reports are not reviewed at all by Parliament” (PPF, 2018; Monk, 2010). A quantitative analysis of appearances by officers of the Assembly in committee confirms this fact. However, upon further examination of officers’ enabling statutes and corresponding Standing Orders, it was revealed that while certain officers are required by statute or by order of the House to appear before committee, the House and its Committees are not statutorily required to review the reports of these officers. Given this, it could be argued that the offices of the Ombudsman and of the Financial Accountability Officer are at a significant disadvantage compared to the Office of the Auditor General of Ontario, in terms of their ability to establish formal ties with legislative committees. This will be explored further in the coming lines.

Auditors General have existed in Canada since the time of Confederation. Over time, these officers have developed very strong ties to legislative committees and as a result, are generally more accepted than other independent officers (PPF, 2018). According to the Public Policy Forum, this is due to auditors’ professional credentials as well as governments’ acceptance of the need to respond to audits (PPF, 2018). An argument could be made that time alone might strengthen the relationship between other officers of the Assembly and committees. However, immediate changes could also be made to officers’ enabling statutes to reinforce the primacy of their relationship with Parliament. By assigning each officer a “home” committee and introducing a statutory requirement that officers’ annual reports be reviewed by their respective committee, the relationship between the Legislative Assembly and its independent officers could be strengthened through regular and substantive interactions. While there may not always be agreement on the advice given by independent officers, the fact remains that they were created by Parliament to provide independent, expert analysis and advice, and by virtue of this fact they should to be heard. Through thse changes, Members would not be required to accept recommendations made by officers. It would simply mean that legislators, along with the corresponding ministry or public sector body, would have duty to consider officers' reports and respond accordingly.

TABLE 4: COMPARING OF OFFICER'S ENABLING STATUTES

Officers of the Assembly	Enabling Statute(s)	Standing Orders of the Legislative Assembly of Ontario
Auditor General of Ontario *Auditor General Act*	**Annual report** **12(1)** The Auditor General shall report annually to the Speaker of the Assembly after each fiscal year is closed and the Public Accounts are laid before the Assembly, but not later than the 31st day of December in each year unless the Public Accounts are not laid before the Assembly by that day, and may make a special report to the Speaker at any time on any matter that in the opinion of the Auditor General should not be deferred until the annual report, and the Speaker shall lay each such report before the Assembly forthwith if it is in session or, if not, not later than the tenth day of the next session. R.S.O. 1990, c. A.35, s. 12 (1); 2004, c. 17, s. 14 (1). **Attendance at standing Public Accounts Committee of the Assembly** **16** At the request of the standing Public Accounts Committee of the Assembly, the Auditor General and any member of the Office of the Auditor General designated by the Auditor General shall attend at the meetings of the committee in order, (a) to assist the committee in planning the agenda for review by the committee of the Public Accounts and the annual report of the Auditor General; and (b) to assist the committee during its review of the Public Accounts and the annual report of the Auditor General, and the Auditor General shall examine into and report on any matter referred to him or her in respect of the Public Accounts by a resolution of the committee. R.S.O. 1990, c. A.35, s. 16; 2004, c. 17, s. 17. **Special assignments** **17** The Auditor General shall perform such special assignments as may be required by the Assembly, the standing Public Accounts Committee of the Assembly, by resolution of the committee, or by a minister of the Crown in right of Ontario but such special assignments shall not take precedence over the other duties of the Auditor General under this Act and the Auditor General may decline an assignment by a minister of the Crown that, in the opinion of the Auditor General, might conflict with the other duties of the Auditor General. R.S.O. 1990, c. A.35, s. 17; 2004, c. 17, s. 18.	**S.O. 111(h)** [The] Standing Committee on Public Accounts is empowered to review and report to the House its observations, opinions and recommendations on the Report of the Auditor General and the Public Accounts, which documents shall be deemed to have been permanently referred to the Committee as they become available; and
Ombudsman *Ombudsman Act*	**Annual report** **11** The Ombudsman shall report annually upon the affairs of the Ombudsman's office to the Speaker of the Assembly who shall cause the report to be laid before the Assembly if it is in session or, if not, at the next session. R.S.O. 1990, c. O.6, s. 11. **Guidance rules** **15(1)** The Assembly may make general rules for the guidance of the Ombudsman in the exercise of his or her functions under this Act. R.S.O. 1990, c. O.6, s. 15 (1).	**S.O. 111(g)** [The] Standing Committee on the Legislative Assembly … is empowered to review and consider from time to time the Reports of the Ombudsman as they become available; and, as the Committee deems necessary, pursuant to subsection 15 (1) of the Ombudsman Act, to formulate general rules for the guidance of the Ombudsman in the exercise of his or her functions under the Act; and to

		report thereon to the Legislature and to make such recommendations as the Committee deems appropriate;
Financial Accountability Officer *Financial Accountability Officer Act*	**Mandate** **10(1)** The mandate of the Financial Accountability Officer is to, (a) provide, on his or her own initiative, an independent analysis to the Assembly about the state of the Province's finances, including the budget, and trends in the provincial and national economies; and (b) respond to requests from members of the Assembly and committees of the Assembly to, (i) undertake research into the Province's finances and trends in the provincial and national economies, (ii) undertake research into the estimates and supplementary estimates submitted to the Legislature, (iii) undertake research into the financial costs or financial benefits to the Province of any public bill that is before the Assembly, or (iv) undertake to estimate the financial costs or financial benefits to the Province of any proposal that relates to a matter over which the Legislature has jurisdiction, including any proposal made by the Government or by any member of the Assembly. 2013, c. 4, s. 10 (1). **Assistance to Standing Committee** **11(1)** At the request of the Standing Committee on Finance and Economic Affairs, the Financial Accountability Officer and any of his or her employees designated by the Financial Accountability Officer shall attend at the meetings of the Committee and shall provide assistance to the Committee. 2013, c. 4, s. 11 (1). **Annual report** **14** The Financial Accountability Officer shall report annually, on or before July 31 of each year, on the work of his or her office to the Speaker of the Assembly who shall lay the report before the Assembly at the earliest reasonable opportunity. 2013, c. 4, s. 14. **Referral of reports to Standing Committee** **16(1)** Every report by the Financial Accountability Officer stands permanently referred to the Standing Committee on Finance and Economic Affairs. 2013, c. 4, s. 16 (1). **Standing Committee report** **(2)** The Standing Committee may report its observations, opinions and recommendations about the Financial Accountability Officer's reports to the Assembly from time to time. 2013, c. 4, s. 16 (2).	**S.O. 111 (e)** [The] Standing Committee on Finance and Economic Affairs … is empowered to consider and report to the House its observations, opinions and recommendations on the fiscal and economic policies of the Province and to which all related documents shall be deemed to have been referred immediately when the said documents are tabled;

References to the work of independent officers in parliamentary debates

Officers' appearances before legislative committee are only one measure of the parliamentary relationship with independent officers. The Financial Accountability Officer's 2018-2019 Annual Report contained a section on the use of the FAO's work (FAO, 2019a). In it, the FAO included the number of references and mentions in debate in both House and committee proceedings as a measure (FAO, 2019a). Monk (2010), Hindmoor et al. (2009) and Tolley (2009) employed a similar approach in the study of parliament committees by measuring the influence and/or effectiveness of committees through references to their work in the House or in committee. This paper proposes the same in order to determine the extent to which Members of Provincial Parliament rely on the work of officers. In keeping with previous sections, [Hansards] transcripts from only the 41st and 42nd Parliaments were searched in order to determine the total number of references to officers of the Assembly and their work in the House and its committees.

TABLE 5: REFERENCES TO OFFICERS OF THE ASSEMBLY AND THEIR REPORTS IN HOUSE AND COMMITTEE PROCEEDINGS

42nd Parliament (July 11, 2018 – Present)		
	Total # of references in House proceedings	Total # of references in committee proceedings
Auditor General	135	90
Ombudsman	72	23
Chief Electoral Officer	18	1
Information and Privacy Commissioner	20	6
Integrity Commissioner	50	7
Financial Accountability Officer	86	38
41st Parliament (July 2, 2014 - May 8, 2018)		
	Total # of references in House proceedings	Total # of references in committee proceedings
Auditor General	330	230
Ombudsman	217	90
Chief Electoral Officer	95	31
Information and Privacy Commissioner	70	49
Integrity Commissioner	87	35
Financial Accountability Officer	187	56

As can be seen in the table above, the Auditor General of Ontario is the most referenced in debates in both the House and in committees. The data contained in this table reflects the findings of the previous section, which point to the Auditor General as having the strongest ties with the House and its committees. However, this data in many ways raises more questions that it has answered. For example, is a regular interaction with parliament a prerequisite for the role, given the fact that officers are created by, and report directly to the Legislative Assembly of Ontario? A seminar hosted by the Canadian Study of Parliament Group in March 2017 explored this question through conversations with “agents of parliament”, current and former parliamentarians, academics, and those with experience working with these officers (Stos, 2017). Across all three sessions, participants viewed officers’ independence as a key feature of the role however, they were divided on what this meant for the relationships between parliament and independent officers (Stos, 2017). Michael Ferguson, Canada’s Auditor General, said the following of his independence from parliament and the executive: “One of the best parts of this job is that I have no boss” (Stos, 2017). This comment was made in spite of the fact that the Auditor reports regularly to the Public Accounts Committee. Others, like Genevieve Tellier, a professor at the University of Ottawa's School of Politics, disagreed. Tellier argued that officers do in fact have a “boss” and that is the legislative body that created them. According to Stos (2017), inconsistent reporting requirements and an apparent lack of accountability can create relationships that are adversarial in nature (Stos, 2017). This is not to say that a certain level of adversity cannot factor into this relationship. Differences in opinion are an inevitability of the realm in which these officers operate. The subject matter covered by these officers is incredibly broad, as are the findings of, and responses to their reports. With every report produced, an officer may be widely hailed or condemned for its contents. To quote a former officer: “an MP on the opposition benches will view the information commissioner as Joan of Arc but that same MP will regard the information commissioner as a Salem Witch when he or she becomes part of government.” (PPF, 2018). Whether or not there is truth to this claim, the present paper maintains that this fact does not undermine officers’ legitimacy, nor does it affect officers’ ability to carry out their mandates. It is not for parliamentary officers to concern themselves with these opinions. It is their responsibility to ensure that the activities of their office are carried out in a non-partisan manner, independent from government. However, for this to occur, interactions between officers of the Assembly and the Ontario Legislature need to be formalized in order to reduce unnecessary tension.

Recommendations

As is evidenced by this paper, the current legislative framework applying to Ontario’s independent officers is inconsistent, particularly as it relates to officers’ relationships with the House and its committees. Few formal links exist between officers of the Assembly and the Legislature and as a result, the accountability and oversight functions of officers are not currently being engaged by legislators to the fullest extent. In order to rectify this, the following actions are recommended:

Recommendation 1: All officers of the Assembly should report directly to a “home” committee

To improve and strengthen the relationship between officers of the Assembly and Members of Provincial Parliament (MPPs), while at the same time maintaining officers’ independence, each officer should be assigned a “home” committee. Each Committee will be responsible for overseeing and reporting on the work of their respective officer.

Recommendation 2: Review of annual reports of officers of the Assembly by a legislative committee should be statutorily mandated

As can be seen in the case of Auditor General of Ontario, the Financial Accountability Officer, and the Ontario Ombudsman, the act of designating a “home” committee does not guarantee that a committee will engage an officer’s services. It is instead left up to the House and its committees to decide whether or not to review of an officer’s report. While the Auditor General’s reports are regularly reviewed by the Standing Committee on Public Accounts, this is due in part to the longstanding relationship between the Auditor and the Assembly. In response to this proposed change, some may argue this work should not take precedence over the consideration of any legislation, or matter decided upon by the Committee. For this reason, this paper suggests adopting an approach similar to that of the Standing Committee on Government Agencies. Under Standing Order 111(f)(13), this Committee is permitted to meet up to three times per month, during any adjournment of the House that exceeds one week, to “review and report to the House its observations, opinions and recommendations” on any appointments to, and operations of all agencies, boards and commissions and all corporations to which the Crown in right of Ontario is a majority shareholder [S.O. 111(f)(13)]. This paper proposes introducing a similar practice with respect to the consideration of independent officers’ annual reports. Committees should be permitted, at their own discretion, to meet outside of their regularly schedule meetings times in order to complete all necessary work. This includes reviewing reports of officers of the Assembly which stand permanently referred to their respective “home” committees.

Recommendation 3: Response by relevant ministry required

Returning once again to the works of Monk (2010) and Hindmoor et al. (2009), these authors point to the acceptance rate of recommendations contained committee reports as a measure of the influence and effectiveness of legislative committees. However, as noted by Rush (1984), “governments are under no obligation to acknowledge who influenced them over what or disclose how a particular decision was reached”. Any number of factors can influence a government’s actions, or lack thereof, there Monk (2010) and Hindmoor et al. (2009) recommend measuring the number of positive references to the work of committees in House and committee proceedings, as well as in the media, to determine their effectiveness and influence, respectively. However, this paper finds this method to be far too subjective given that a reference to a report does not guarantee action of any kind. Instead, this paper recommends adopting an approach similar to that of the Auditor General of Ontario. Annual reports of the Auditor General include a section devoted to follow-ups on recommendations made two years prior in the Auditor’s Value-For-Money Audits. These are subject to review by the committee. This paper recommends introducing the statutory requirement that public sector institutions, referenced in all officers’ reports, provide a response on whether recommendations contained in these reports have been implemented or are in the progress of being implemented. Where recommendations have not been adopted, an explanation must be provided by the relevant public sector body as to why). These responses should then be made available for review by a legislative committee.

Further Research

In Ontario, and across the Commonwealth, officers have been known to appeal directly to the public and the media in order to carry out their oversight and accountability functions (Pond, 2010; Thomas, 2018b; Savoie, 2008). Officers rely on the media to notify the public of the release of a report, to disseminate information, and at times, to draw attention to a particular issue when legislative bodies have proven unwilling to consider or take seriously issues raised an officers' report. According to the Public Policy Forum, media coverage has been used by officers to "generate support around a particular issue or to "shame" governments into action (PPF, 2018). However, while a media scan could potentially provide useful information on the extent to which officers rely on publicity to fulfill their mandate, such a study is not included in this paper as such a project would be a massive undertaking, and therefore falls outside the scope of this paper. In their study on the influence of parliamentary committees, authors Hindmoor et al. (2009), conducted a scan of scanned six newspapers for references to the work of committees. Using the data obtained from this search, the authors were able to conclude that overall "the Committee's coverage was favourable, in terms of both quality and quantity" (Hindmoor et al., 2009). This paper recommends adopting a similar approach in a future study of independent officers in Ontario. On a final note with respect to the media, while publicity can be used to better inform legislators and the public, which can lead to greater accountability in government operations and the better delivery of services, it is important to note that it should not be used in place of formal deliberations in Parliament.

Also missing from this study is a more in-depth analysis of references made by legislators in House and committee proceedings with respect to the work of officers of the Assembly.

This paper examined the total number of references to the officers' and their reports in both House and committee Hansards across the 41st and 42nd Parliaments in Ontario. A follow-up study on this could involve analyzing this data to determine the number of references made by the Government, the Official Opposition, as well as any recognized parties or independent members. From there, comments made by specific members could be examined to determine the degree to which responses are positive or negative. This study could always involve comparing the views of backbench members and those of the Executive Council, as it relates to officers of the Assembly.

Conclusion

Officers of the Assembly are created to enhance the Legislature's accountability function by providing elected officials with independent expert information, analysis, and oversight. Their role is to assist the legislature in holding governments to account through various mechanisms set out in their enabling legislation (Thomas, 2003a). However, this paper finds that in Ontario there is a need to reinforce the primacy of the relationship between officers of the Assembly and the House (and committees) to whom they report. This can be achieved through changes to officers' enabling legislation and through amendments to the Standing Orders of the Legislative Assembly of Ontario. Under the current framework, many officers have to "lobby" Members directly, or indirectly through the media, just to be heard. The act of lobbying individual members and committees, as well as engaging the media to garner support around a particular issue, places a great deal of stress on the relationship between the Assembly and its independent officers and leads many to call in to question their non-partisanship. Formalizing this relationship in statute will go a long way in strengthening the relationship between the Legislative Assembly and its independent officers. To quote Independent Senator Elaine McCoy: “agents of parliament are partners in parliamentary democracy” (Stos, 2017). The existing framework governing the work of parliamentary officers does not reflect this fact, however, the hope is that through the changes recommended in this paper, a true partnership can be formed.

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Appendix A – Independent officers of Parliament and legislatures in Canada

Total: 87

Independent officers of Parliament and legislatures in Canada
Canada | Total: 9
Auditor General of Canada
Chief Electoral Officer of Canada
Commissioner of Official Languages
Information Commissioner of Canada
Privacy Commissioner of Canada
Conflict of Interest and Ethics Commissioner
Commissioner of Lobbying of Canada
Public Sector Integrity Commissioner of Canada
Parliamentary Budget Officer
Alberta | Total: 7
Auditor General
Alberta Ombudsman
Public Interest Commissioner
Office of the Chief Electoral Officer
Office of the Child and Youth Advocate
Office of the Ethics Commissioner
Office of the Information and Privacy Commissioner
British Columbia | Total: 9
Office of the Auditor General
Office of the Conflict of Interest Commissioner
Elections BC
Office of the Human Rights Commissioner
Office of the Information and Privacy Commissioner
Office of the Merit Commissioner
Office of the Ombudsperson
Office of the Police Complaint Commissioner
Office of the Representative for Children and Youth
Manitoba | Total: 6
Auditor General
Chief Electoral Officer
Advocate for Children and Youth
Conflict of Interest Commissioner
Information and Privacy Adjudicator
Ombudsman
New Brunswick | Total: 7
Auditor General
Child and Youth Advocate
Commissioner of Official Languages
Office of the Integrity Commissioner for New Brunswick
Consumer Advocate for Insurance
Elections New Brunswick
Ombudsman
Newfoundland and Labrador | Total: 7
Commissioner for Legislative Standards
Office of the Auditor General
Office of the Chief Electoral Officer
Office of the Child and Youth Advocate
Office of the Citizens' Representative

Office of the Information and Privacy Commissioner
Office of the Seniors' Advocate
Nova Scotia | Total: 4
Auditor General
Conflict of Interest Commissioner
Elections Nova Scotia
Ombudsman
Ontario | Total: 6
Auditor General
Ombudsman
Chief Electoral Officer
Information and Privacy Commissioner
Integrity Commissioner
Financial Accountability Officer
Prince Edward Island | Total: 5
Auditor General
Conflict of Interest Commissioner
Indemnities and Allowances Commission
Information and Privacy Commissioner
Chief Electoral Officer
Quebec | Total: 5
Ethics Commissioner
Lobbyists Commissioner
Chief Electoral Officer
Public Protector
Auditor General
Saskatchewan | Total: 7
Advocate for Children and Youth
Chief Electoral Officer (Elections Saskatchewan)
Conflict of Interest Commissioner and Registrar of Lobbyists
Information and Privacy Commissioner
Ombudsman Saskatchewan
Provincial Auditor
Public Interest Disclosure Commissioner
Northwest Territories | Total: 6
Languages Commissioner
Information and Privacy Commissioner
Integrity Commissioner
Chief Electoral Officer
Equal Pay Commissioner
Ombud
Nunavut | Total: 5
Chief Electoral Officer
Information and Privacy Commissioner of Nunavut
Integrity Commissioner of Nunavut
Languages Commissioner of Nunavut
Representative for Children and Youth
Yukon | Total: 4
Conflict of Interest Commission
Elections Yukon
Ombudsman, Information and Privacy Commissioner and Public Interest Disclosure Commissioner
Yukon Child and Youth Advocate Office

Appendix B – Consideration of the Auditor General of Ontario’s Annual/Special Reports (41st and 42nd Parliaments)

Standing Committee on Public Accounts – Consideration of Auditor’s Annual/Special Reports | 42nd Parliament (July 11, 2018 – Present)	
2017 Annual Report of the Auditor General of Ontario	• Section 3.13 Settlement and Integration Services for Newcomers • Section 3.11 Real Estate Services • Section 3.10 Public Health: Chronic Disease Prevention • Section 3.02 Cancer Treatment Services
2017 Special Report on the Fair Hydro Plan: Concerns About Fiscal Transparency, Accountability and Value For Money	
2018 Annual Report of the Auditor General of Ontario	• Chapter 2: Public Accounts of the Province • Section 3.02 Darlington Nuclear Generating Station Refurbishment Project • Section 3.07 Metrolinx–LRT Construction and Infrastructure Planning • Section 3.11 Ontario Works • Chapter 4: Review of Government Advertising • Section 3.15 Waterfront Toronto • Section 3.06 Metrolinx—GO station selection
2019 Annual Report of the Auditor General of Ontario	• Section 3.06 Food Safety inspection programs • Chapter 3: Climate Change: Ontario’s Plan to Reduce Greenhouse Gas Emissions
2019 Special Audit of the Tarion Warranty Corporation	
Standing Committee on Public Accounts – Review of Annual/Special Reports | 41st Parliament (July 2, 2014 - May 8, 2018)	
2013 Annual Report of the Auditor General of Ontario	• Violence Against Women (Community and Social Services) • Ontario Power Generation Human Resources (Energy) • Health Human Resources (Health and Long-Term Care)
2014 Annual Report of the Auditor General of Ontario	• Financial Services Commission of Ontario – Pension Plan and Financial Service Regulatory Oversight (Finance) • Infrastructure Ontario – Alternative Financing and Procurement (Economic Development, Employment and Infrastructure) • University Undergraduate Teaching Quality (Training, Colleges and Universities) • Smart Metering Initiative (Energy) • Cancer Screening Programs (Health and Long-Term Care) • Infrastructure Ontario Loans Program (Economic Development, Employment and Infrastructure) • Public Accounts of the Province (Chapter 2) • Metrolinx – Regional Transportation Planning (Transportation) • Education of Aboriginal Students (Education)
2015 Annual Report of the Auditor General of Ontario	• ServiceOntario (Government and Consumer Services) • Hydro One – Management of Electricity Transmission and Distribution Assets (Energy) • Toward Better Accountability (Chapter 5) • Healthy Schools Strategy (Education) • CCACs – Home Care Program (Health and Long-Term Care) • Public Accounts of the Province (Chapter 2) • Long-term-care Home Quality Inspection Program (Health and Long-Term Care) • Electricity Power System Planning (Energy)

	• University Intellectual Property (Research and Innovation)
2016 Annual Report of the Auditor General of Ontario	• Child and Youth Mental Health (Children and Youth Services) • Physician Billing (Health and Long-Term Care) • Large Community Hospital Operations (Health and Long-Term Care) • Employment Ontario (Advanced Education and Skills Development) • Ministry of Transportation – Road Infrastructure Construction Contract Awarding and Oversight (Transportation) • Information and Information Technology General Controls (Treasury Board) • Review of Government Advertising (Chapter 5) • Immunization (Health and Long-Term Care) • Metrolinx – Public Transit Construction Contract Awarding and Oversight (Transportation)
2017 Annual Report of the Auditor General of Ontario	• Public Accounts of the Province (Chapter 2) • Independent Electricity System Operator – Market Oversight and Cybersecurity (Energy)

[i] In November 2018, the number of independent officers in Ontario was reduced from nine to six. Through the *Restoring Trust, Transparency and Accountability Act,* changes were made to the roles and responsibilities of various Officers of the Legislature. The *French Language Services Act* and the *Provincial Advocate for Children and Youth Act, 2007,* were amended so that oversight responsibilities previously associated with these positions were transferred under the Ombudsman. *The Environmental Bill of Rights, 1993,* was also amended so that responsibilities assigned to the Environmental Commissioner were transferred to the Minister of the Environment, Conversation and Parks and the Auditor General of Ontario (CPR, 42(1), 60).