

THE LIEUTENANT GOVERNOR AND THE EXECUTIVE

THE LIEUTENANT GOVERNOR

The Queen of Canada is the official Head of State. The Lieutenant Governor is the nominal Head of State at the provincial level, empowered with the responsibility of representing the Sovereign in the province. The real power of governing, however, resides with the Premier and the Executive Council, the elected Members of Provincial Parliament who are appointed as Ministers of the Crown by the Lieutenant Governor on the recommendation of the Premier.

The Lieutenant Governor of Ontario is appointed by the Queen on the recommendation of the Prime Minister of Canada. The document of appointment is signed by the Governor General on behalf of the Queen. The appointment, by tradition, is for a period of five years—or "at the pleasure of the Crown"—and carries the title of "The Honourable" for life. In conversation and correspondence the Lieutenant Governor is addressed as "Your Honour," as is his or her spouse.

The Lieutenant Governor serves in a dual capacity; first as representative of the Sovereign for all purposes of the provincial Government, and second, as a federal officer in discharging certain functions of the Sovereign. The Lieutenant Governor, as Head of State, opens, prorogues (closes), and can dissolve the Legislature. The Lieutenant Governor is responsible for swearing in the Premier and Cabinet Ministers and must ensure that a Government is in office at all times.

The Lieutenant Governor also has the discretionary authority: to select the Premier, for example in the event of the death of the holder of that office; to refuse request by the Premier for dissolution of the Legislature; or to ignore the advice of the incumbent Premier and Cabinet. The Lieutenant Governor also has the authority to dismiss a Government. Given that much of the Lieutenant Governor's authority is symbolic and ceremonial in nature, such occurrences are rare. The Chief Justice of Ontario acts for the Lieutenant Governor when the latter is unable to do so. One of the other must be in the province at all times.

The Lieutenant Governor must sign (give "Royal Assent" to) all Bills passed by the Legislature before they can become law. The Lieutenant Governor also signs proclamations and appointments of persons to government posts, including provincial judges, crown attorneys, justices of the peace, and commissioners. A major responsibility of the Lieutenant Governor is to deliver the Speech from the Throne at the opening of a new session of Legislature, which outlines proposed legislation

to be introduced in the forthcoming session.

In addition to formal duties, the Lieutenant Governor engages in a large number of discretionary, but traditional, activities, such as becoming honorary patron to volunteer organizations, sponsoring awards, receiving dignitaries, sending messages of congratulations or condolence, presenting citations, and participating in investigations, dedications, and other major events. The Lieutenant Governor holds receptions, luncheons, and dinners for guests of various occupations, organizations, and professions; receives members of the Royal Family, heads of state, ambassadors, consuls, and other representations of foreign countries; attends religious, cultural, educational, and recreational events; and visits hospitals, senior citizens homes, centres for the disabled, and other public institutions. The Lieutenant Governor is supported in his role by a staff of five in the Office of the Lieutenant Governor.

1987-88 Expenditure Estimate:

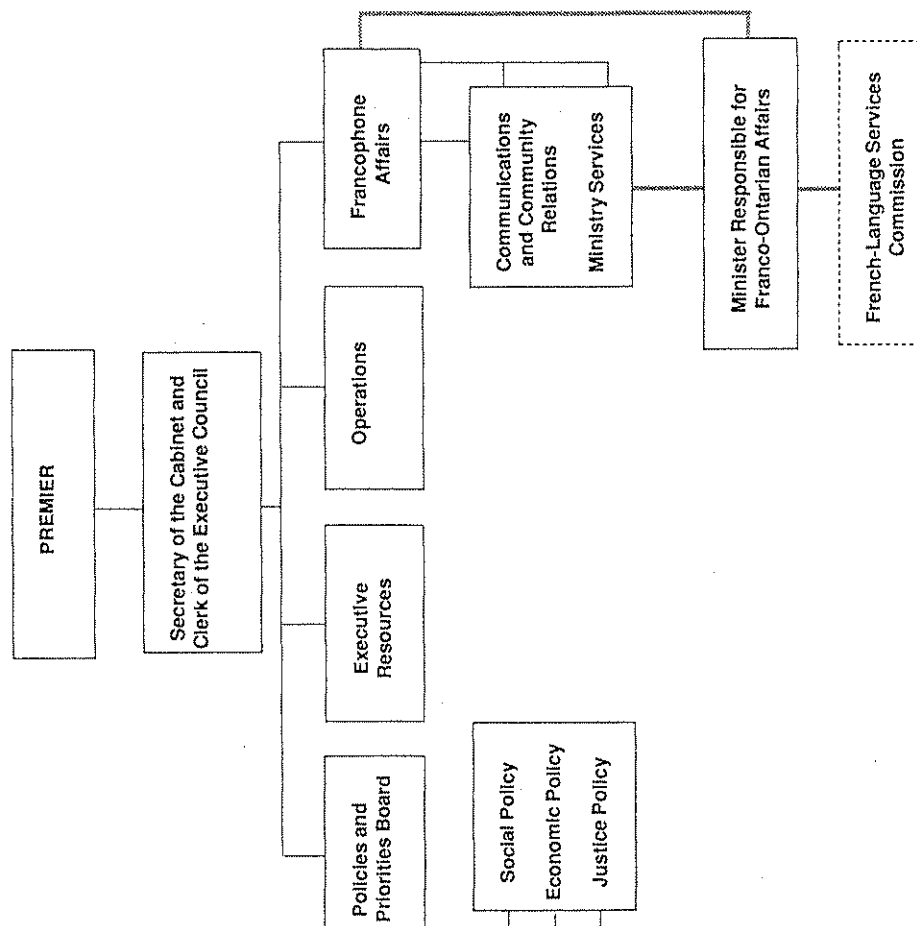
Office of the Lieutenant Governor: \$416,000.00

THE PREMIER AND OFFICE OF THE PREMIER

The Premier of Ontario is the leader of the governing political party. He or she is the First Minister of Cabinet and President of the Executive Council, the chief Government spokesperson in the Legislative Assembly, and an elected representative of a specific constituency. The Premier makes formal recommendations to the Lieutenant Governor on the appointment of Cabinet ministers, approves the appointment of deputy ministers, and initiates the "Order-in-Council" appointment (Cabinet approval on behalf of the Lieutenant Governor) of approximately one-third of the members of the governing bodies of provincial Crown corporations, agencies, boards, and commissions. The Premier determines the portfolio structure of the Government and the organization of the Cabinet. He or she is the ultimate authority on government policy and the principal advisor to the Lieutenant Governor.

The Office of the Premier is primarily concerned with supporting the Premier as the leader of the Government and as the elected representative of his or her constituents. A functional relationship is maintained between the Premier's Office and Cabinet Office, which supports the Premier as head of the Cabinet. The Premier is supported by two senior staff members of deputy minister rank: a Principal Secretary, who heads up the functions associated with the development and communication of government policy, and an Executive Director, who provides leadership in administrative and appointment matters. Under Premier William Davis, the Premier's Office was headed by a Deputy Minister, Office of the Premier, assisted by an Executive Director. Dr. Edward Stewart, the Deputy Minister, was also "double-hatted" as Secretary of Cabinet. Under Premier David Peterson, the position of Secretary of Cabinet has been separated from the Premier's Office. The staff of the Office of the Premier, numbering approximately forty, are hired on personal service contracts to provide partisan political advice and administrative support.

Figure 1
CABINET OFFICE



They are not public servants.

The principal *advisory* functions of the Office of the Premier are: to provide the political policy link between the Premier, all Ministers and ministries, and the major policy committees of Cabinet; to coordinate Government processes consequent to the establishment of policy; to provide input to the Government's legislative program, long-term strategy, and priorities; and, to coordinate the political processes of the Office, and develop the Lieutenant Governor's Speech from the Throne.

The principal *service* functions of the Office of the Premier are: to budget the Premier's time, schedule and complete travelling arrangements; to maintain relations with the communications media, write speeches and statements; to brief the Premier daily on legislative matters; to receive, record, and reply to correspondence; to handle invitations and appointment requests; to assist with constituency matters; to maintain liaison with caucus members; to deal with inquiries from the public and from special interest groups; and to receive delegations and unscheduled visitors.

1987-88 Expenditure Estimate:

Office of the Premier:

\$1,977,731.00

CABINET AND CABINET OFFICE

Cabinet is the focal point for decision-making in the Ontario Government, in that it is responsible for initiating, approving, and executing Government policy. Cabinet exists in law as the Executive Council of the Province of Ontario. All ministers are members of Cabinet. The Premier or a designated Minister may serve as chairman of Cabinet. Currently, Cabinet meetings are held every Wednesday.

Cabinet is based on long-standing constitutional convention. As the executive decision-making authority of the Government, Cabinet reflects the notion of responsible government. That is, its members are ultimately accountable to the Legislature and the people of Ontario for the policy, programs, and administration of Government. Cabinet decision-making is by consensus and its documents and deliberations are secret. Ideally, Cabinet membership is structured to reflect the cultural and demographic makeup and regional nature of Ontario society.

Cabinet attempts to set the broad direction and priorities of the Government, decide the content of the Speech from the Throne, and coordinate the Government's legislative program for each session. It also makes decisions on budget and manpower allocations each fiscal year. By its very nature, Cabinet is linked to all ministries and central agencies of Government. Cabinet is supported in its administrative role by several standing and special purpose committees, which bring together matters of policy and administrative concerns at the highest level of decision-making in the Government.

Cabinet size has fluctuated in recent years. For example, one of the major changes to the structure of Cabinet made by Premier Frank Miller in 1985 was to increase its size from 28 under Premier William Davis to 33 members, with the

appointment of seven ministers "without portfolio." This position, much like a federal Minister of State, is designed to fill a special political need, serve as a training ground for future Ministers, or to give extra support to a Minister with major administrative responsibilities and a heavy work load. Conversely, in 1985, Premier David Peterson contracted the size of Cabinet to 21 members by eliminating the Provincial Secretariats for Resource Development, Justice, and Social Development, which had headed the three policy fields from 1972 to 1985, and assigning the responsibilities for chairing the Cabinet Committees for Economic Policy, Justice, and Social Policy to three line ministers in addition to their assigned ministerial responsibilities. He also combined several portfolios under selected ministers. After winning a large electoral majority in the 1987 election, Premier Peterson increased the size of Cabinet to 30 members, but continued the practice of "double-hatting" in filling the chair positions for the three Cabinet policy committees.

Cabinet Office is the central agency which provides administrative services and policy analysis for Cabinet and its Committees. Cabinet Office is headed by the Secretary of the Cabinet, who also carries the title of Clerk of the Executive Council. The Office has two main divisions (see *Figure 1*): a Policy Section, under the Secretary of the Policy and Priorities Board, and an Operations Section under the Associate Secretary of Cabinet for Operations. In addition, the Associate Secretary of Cabinet for Executive Resources (who reports to the Premier) and the Executive Director for Francophone Affairs (who reports to the Minister Responsible for Francophone Affairs) are situated within Cabinet Office. Cabinet Office personnel, numbering approximately 100, are all public servants.

The *policy* functions of Cabinet Office are: to undertake expenditure reviews, coordinate the allocation process, and assist the Ministry of Treasury and Economics and Management Board of Cabinet in developing the annual expenditure allocations among the ministries; to review legislative proposals and decisions and draft the Government's legislative program in consultation with the Government House Leader and individual ministers; to assist in the preparation of the Speech from the Throne and the Prorogation Speech; to make briefing arrangements for the Premier, for Cabinet, and Policy and Priorities Board meetings; to analyze submissions, brief Cabinet committee chairmen, prepare the agenda for each committee meeting, and prepare committee reports and recommendations to full Cabinet for policy and ad hoc committees; to coordinate and manage the Government's policy priorities process and large cross-Cabinet issues; and to provide staff support to the Policy and Priorities Board and the Cabinet Committees on Economic Policy, Justice, and Social Policy.

The *operational* functions of Cabinet Office are: to arrange Cabinet and Cabinet committee meetings, to prepare agenda, record discussions and prepare and distribute minutes of meetings, to provide document service for Cabinet, to research and retrieve information for ministries, to monitor implementation of political commitments, to make arrangements for delegations to Cabinet, to organize ceremonial activities such as swearing-in procedures for change of Government or minister(s), and to provide liaison with the Lieutenant Governor, the Speaker, the Clerk of the

House, the Government House Leader, the Board of Internal Economy, Management Board of Cabinet, and the Ministry of Treasury and Economics.

1987-1988 Expenditure Estimates:

Cabinet Office: \$8,657,400.00

Cabinet Committees

The Ontario Cabinet system has evolved from a plenary-style, decision-making body to one where the focus of policy development rests with a number of powerful Cabinet committees. (See *Figure 2*.) This development can be traced to the recommendations of the Committee on Government Productivity (COGP) report of a watershed review of the structure and operations of the Government of Ontario. COGP foresaw that the growing volume and complexity of policy issues would become unmanageable for any single body of Ministers. A more specialized and countable system of issues management was considered necessary for the future. Therefore recommended a restructuring of Cabinet and the establishment of several Cabinet Committees. Formally, a Cabinet committee does not make final decisions on policy issues. Instead, it makes recommendations to full Cabinet. Nonetheless, the role of the latter has become, essentially, one of ratification of these recommendations with a minimum of debate, and with the occasional need to resolve disputes that cannot be settled at the committee level. This evolution reflects COGP's perceived need to improve the efficiency of the decision-making process within the political executive.

Cabinet submissions normally originate within the staff of a ministry in response to a public concern or a policy initiative of the Government, and are placed before Cabinet by the responsible minister after scrutiny and deliberation by a number of committees (see "The Public Policy Development Process") before there are two types of Cabinet committees: standing and ad hoc. The former regularly and have an ongoing mandate to examine a well-defined set of policy issues. The latter meet periodically to deal with special or unique issues and are disbanded when the problem is resolved.

The standing Cabinet committees include: the Policy and Priorities Board, Management Board of Cabinet; the Legislation Committee; the Regulations Committee; the Cabinet Committees of Economic Policy, Justice, and Social Policy, as well as other standing committees with more specific mandates.

Policy and Priorities Board

The Policy and Priorities Board is the powerful "inner Cabinet." committee's purpose is to develop, review, coordinate, and advise on policy priorities relating to the social and economic needs of the province as reflected in the Government's short- and long-term goals. The "P & P Board" also studies general budgetary and fiscal policy and priorities, including expenditure and transfer payment programs and recommendations submitted by the Cabinet policy

mittees. The P & P Board oversees the coordination of government-wide issues projects and attempts to resolve issues that cross governmental, ministerial policy committee boundaries. Like other Cabinet committees, with the exception of the Management Board of Cabinet, the P & P Board does not make decisions on policy but recommends courses of action to full Cabinet.

The Board is chaired by the Premier; other members traditionally include Deputy Premier (if applicable), the Chairman of Management Board of Cabinet, Treasurer, and four or five other influential ministers. In the Government of Premier William Davis, the Provincial Secretaries of the Resource Development, Justice and Social Development policy fields, and the Minister of Intergovernmental Affairs, also sat on the P & P Board. Premier Frank Miller increased the size of the P & P Board to eleven, but excluded the Provincial Secretaries. The composition of the P & P Board under Premier David Peterson includes eight portfolios (see Appendix F below): the three Chairmen of the Cabinet policy committees—the Deputy Premier (who is also the Minister of Treasury and Economics and the Minister of Financial Institutions), the Minister of Health, and the Attorney General—all with the Chairman of Management Board, the Government House Leader (who is also the Minister of Mines), the Minister of the Environment, the Minister of Housing, and the Minister of Northern Development. The P & P Board usually meets once a week.

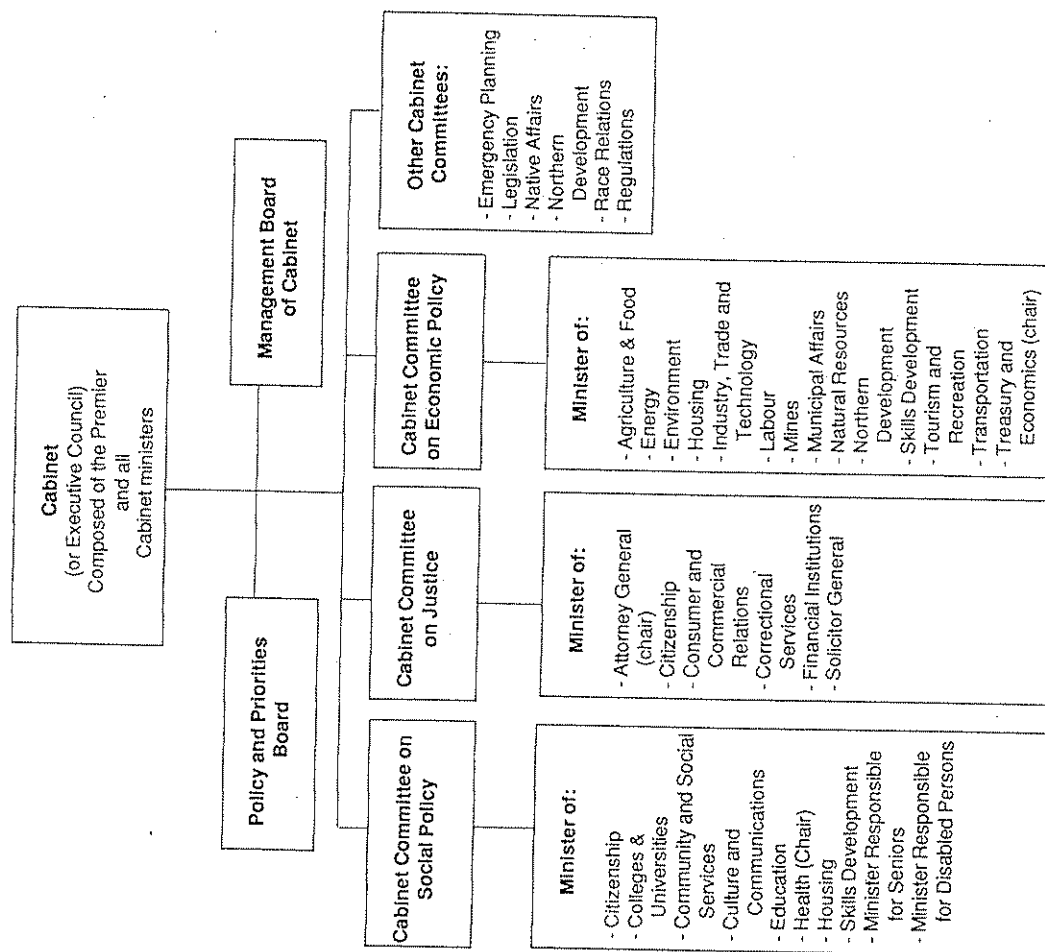
The P & P Board, through its membership, links all the central agencies that have responsibilities for policy development and administration. The Board is a policy review body for most major policy issues prior to full Cabinet consideration. The Board often refers items to Management Board for consideration of financial manpower, and administrative implications. The P & P Board is served by the Committee of Advisors (consisting of the Deputy Ministers of the member ministries and a small secretariat of senior civil servants in Cabinet Office). The Committee of Advisors meets before each Board meeting to review and discuss agenda items to review ministry submissions to be presented at the meeting.

Management Board of Cabinet

Management Board of Cabinet is a key standing committee of Cabinet, concerned with the efficient and effective utilization of public resources. It performs overall general management function for the Ontario Government on behalf of Cabinet. "Management Board" has four main duties:

1. Managing expenditures by participating in the Government's annual resource allocation exercise;
2. Ensuring probity, prudence, efficiency, and integrity in the conduct of Government business;
3. Establishing overall management, technological, and administrative policies and

Figure 2
CABINET AND ITS COMMITTEES



4. Fulfilling the role of "employer" for the Government in collective bargaining with its employees.

Membership on Management Board varies. It usually consists of a Chairman (a Cabinet minister responsible for Management Board), a Vice-Chairman (currently the Deputy Premier, who is also the Minister of Treasury and Economics and the Minister of Financial Institutions), and several other ministers (currently the Ministers of Citizenship, Energy, Environment, and Government Services, the Solicitor General, and the Minister without Portfolio for Senior Citizens' Affairs). The Chairman is traditionally a member of the Policy and Priorities Board. Unlike other Cabinet committees, Management Board can make decisions on resource allocations without approval by full Cabinet, although it may be vetoed. As a rule, Management Board meets once a week, on Tuesday.

The activities of Management Board are supported by two central agencies and a regulatory body: Management Board Secretariat, the Human Resources Secretariat, and the Civil Service Commission (see "Public Service," below).

Legislation Committee

Before receiving final approval from full Cabinet for introduction in the Legislature, Government bills are examined by the Legislation Committee to ensure internal consistency and conformity with Government policy. This Committee also considers the relative priority of bills in terms of the Government's overall legislative program, and reviews private members' bills, motions, and petitions to Cabinet. This Committee currently has seven members: The Attorney General (Chairman); the Government House Leader (who is also the Minister of Mines); the Ministers of Community and Social Services; Industry, Trade and Technology; Municipal Affairs; and Transportation; and the Minister without Portfolio for Disabled Persons. The Committee meets approximately every two weeks.

Regulations Committee

The Regulations Committee reviews all regulations which require the approval of the Lieutenant Governor in Council prior to concurrence by Cabinet and submission to the Lieutenant Governor for signature. The composition of this Committee has varied over time to include only Cabinet ministers, or only parliamentary assistants, or a combination of ministers and parliamentary assistants, or a combination of Cabinet ministers and Members of Provincial Parliament. Currently chaired by the Minister of Labour, it includes the Minister of Consumer and Commercial Relations and seven MPPs. The Committee meets most Mondays.

Cabinet Committees on Economic Policy, Justice, and Social Policy

These committees are responsible for the review and consideration of policy issues and proposals before they are submitted to the Policy and Priorities Board, full

Cabinet or other Cabinet committees. They identify policy issues and coordinate inter-ministerial and intergovernmental activity to ensure appropriate policy and program development within their areas of responsibility. The policy committees meet approximately every other week. They are supported by small secretariats in Cabinet Office which assist with policy development and coordination and liaison within and among the three committees. Although matters before the policy committees can be referred to key central agencies for evaluation, senior representatives from the Ministry of Treasury and Economics, Ministry of Intergovernmental Affairs and Management Board Secretariat attend the meetings of these committees, in order to monitor policy development and offer assessments of intra-provincial or federal-provincial policy ramifications, budgetary or taxation implications, and administrative issues.

Other Standing Committees

Other standing committees are concerned with specific issues, and are established by the Premier and Cabinet in order to address an emerging policy issue. They oversee policy development in areas that may not be covered in the mandate of a particular ministry, or which transcend either ministerial boundaries or the boundaries of federal and provincial governments. These include the Committee on Emergency Planning, the Committee on Native Affairs, the Committee on Northern Development, and the Committee on Race Relations.

Committee on Emergency Planning: Attempts to coordinate governmental efforts in dealing with emergency situations (e.g. a provincial security problem). It is chaired by the Solicitor General, whose ministry is responsible for emergency planning in the province. The Committee includes 12 ministers. In 1985, Ontario signed a memorandum of understanding with the federal government that ensures federal assistance, when requested by the province, during peacetime emergencies.

Committee on Native Affairs: Coordinates the Government's position for all matters involving native people in Ontario and for all dealings with other governments and organizations in this area. The Committee is chaired by the Attorney General and includes 14 ministers. A Secretariat for Native Affairs is attached to the Ministry of the Attorney General.

Committee on Northern Development: Coordinates the Government's position on all matters involving Northern Ontario, and reviews the impact of Government policies and programs that affect Northern Ontario. The Committee is chaired by the Minister of Northern Development and includes 13 ministers.

Committee on Race Relations: Coordinates the Government's policies on all matters involving race relations, and receives reports from the race relations program commissioner in the Ontario Human Rights Commission. The Committee is chaired by the Minister of Citizenship and includes 11 ministers.

Ad Hoc Committees

Ad hoc Cabinet committees are created to deal with special issues, and are dissolved when the solution to a problem is reached. There are no ad hoc Cabinet committees at present, but recent examples include the committees on Municipal Assessment Taxation and Grants, on Manpower, and the Ontario Bicentennial Commission.

THE LEGISLATURE: ASSEMBLY, COMMITTEES AND OFFICES

Legislative Assembly

In a parliamentary system, the general role of the legislative branch is to refine and legitimize major government policies and proposals for expenditure and taxation, to audit and critique government actions and hold the government accountable, to constitute a representation of the province's political, economic, and social interests, and to form a focal point for debate of society's major issues. In contrast with the federal bicameral system (House of Commons and Senate), Ontario and the other provinces have unicameral parliaments. The Legislative Assembly in Ontario (see *Figure 3*) consists of 130 Members of Provincial Parliament ("MPPs"), elected from 130 electoral districts, for a period of no longer than five years. The Speaker of the Assembly, an MPP from the Government party, who is appointed by the Legislature, is the presiding officer, and is responsible for the policy and operations of the Legislature.

Structure

The "Government" is formed by the political party able to elect or obtain the support of a majority of the representatives to the Assembly. By custom and tradition, the leader of the majority party normally becomes Premier.

In certain circumstances where the party winning the election does not have a clear majority, the opposition parties may combine to form a coalition government or develop through collusion an "accord" whereby one of the opposition parties agrees under a set of negotiated conditions to support a minority government formed by the other opposition party, rather than allowing the party which gained the most seats in the election to govern. This rare phenomenon occurred in 1985, allowing the Liberal party under David Peterson to form the Government.

The Premier selects Cabinet ministers, the most influential group of MPPs, from his or her "caucus" (those party members elected to the Legislative Assembly). The Lieutenant Governor formally appoints Ministers to the Cabinet. The next tier in the Government hierarchy comprises the members who act as "Parliamentary Assistants" to cabinet ministers. As these members fill in when their Cabinet ministers are absent from the House, they must be able to answer for the policies and programs of their ministry. The remaining members of the Government caucus are the "Backbenchers." These members have less direct influence. Nonetheless,

through chairmanships of and participation in Legislative committees, these individuals can have a significant impact on Government legislation and resolutions. They also can make input to Government deliberations through discussion in caucus.

The Opposition side is made up of the "Official Opposition" (the party with the second highest number of seats), and the third party in the Ontario political system. At the top of the hierarchy within each of these two groups is the party leader; then a "Shadow Cabinet," consisting of critics of various Government portfolios; then the backbenchers. Opposition MPPs are primarily responsible for ensuring accountability of the Government, exercised through participation in House debate, written questions, Question Period, and Legislative committees.

House leaders and party whips are members of each of the three caucuses—Government, Opposition, and third party. They are responsible for coordinating and executing the strategy and tactics of their party with respect to passage of bills, legislative agenda, and debate in the Legislature. When the House is in session, the three House leaders and three party whips meet weekly to determine the agenda for the next week. This coordinating activity is based on the legislative program reflected in a report from the meetings of the Legislative Committee of Cabinet and is led by the Government House Leader.

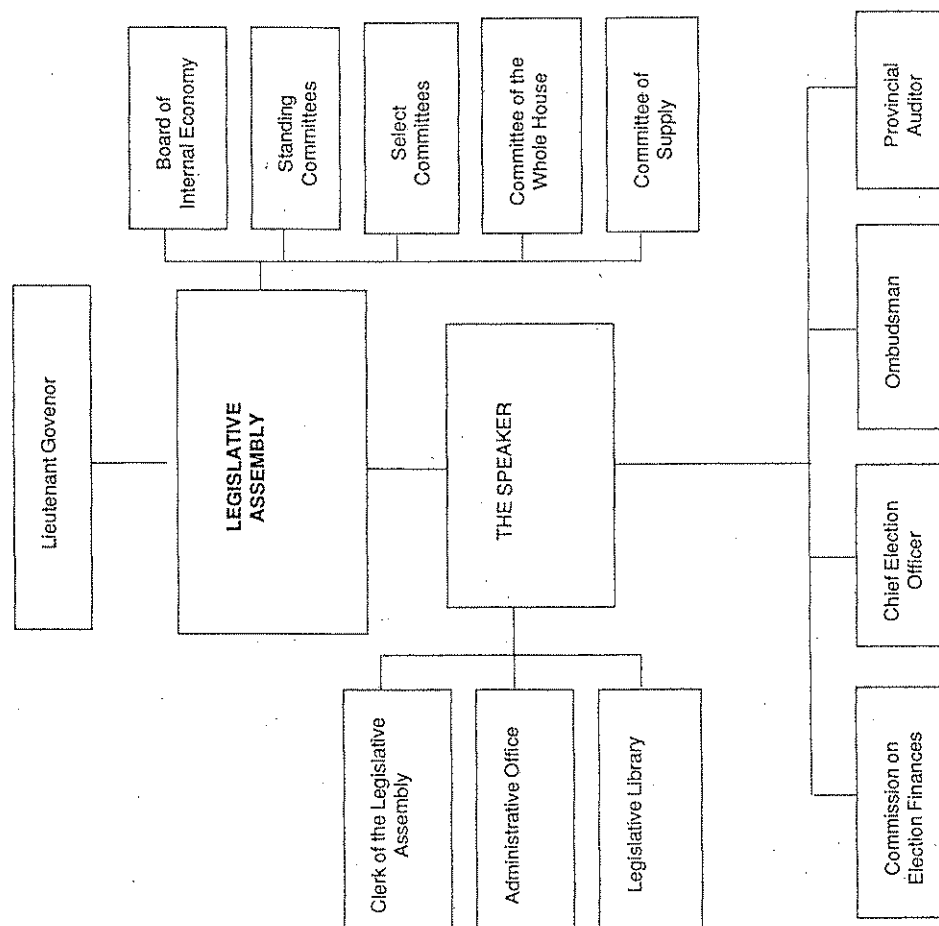
Sessions

Each annual session of the Legislature is opened by the Lieutenant Governor, who reads the Speech from the Throne, which is a document prepared by Cabinet Office within the parameters identified by the Premier and Cabinet. The Throne Speech states the Government's political philosophy, policy proposals, and legislative program for the new session. There are times when sessions of the Legislature, generally scheduled for March to June and October to December, run longer than scheduled. This is particularly true at Budget time or during debates on major policy issues, when discussion may spill over into periods when the House is normally in recess. Each session of the Legislature is closed by the Lieutenant Governor's Prorogation Speech.

Legislative Process

There are several steps involved in passing a bill into law. At "first reading" there is no debate or vote: the Minister introducing the bill makes an explanatory statement, and background information is distributed. At "second reading" the general principles of the bill are debated in the House. A vote may be taken at second reading to pass or kill a piece of legislation, or it may be passed on to the "Committee of the Whole House" (see below) or to a standing committee for refinement. In the former, minor amendments to the bill may be made during a clause-by-clause examination, without direct public input. In contrast, Legislative committees allow for appearances by public interest groups and concerned citizens. On average, forty percent of Government bills are sent to a Legislative committee for refining

Figure 3
THE ONTARIO LEGISLATURE



after second reading. Finally, after either a second reading vote or examination by the Committee of the Whole House and/or a standing committee, the bill gets "third reading," and may then be passed on to the Lieutenant Governor for signing. Such "Royal Assent" commonly takes place immediately after third reading, but in some cases proclamation may be delayed. Upon "Royal Assent", the bill becomes law. (See Figure 5, the Policy Implementation Approval Process flow chart.)

The Legislature deals with three types of legislation. The most important are Government or public bills, which encompass major Government policy proposals, spending or tax measures, and routine governing items, and are introduced by a Cabinet minister. Secondly, the Legislature may examine certain "private members' public bills." These are usually proposals to amend public statutes, put forth by a private member, not a minister. As they have not received Cabinet sanction, such bills cannot involve the spending or taxing of money. They are rarely introduced and even more infrequently passed; many never make it to first reading. Of those that do, most get left on the order paper when a session dissolves, because they do not carry enough priority to become Government policy. The best private members' bills usually become Government bills, and are therefore more likely to pass into law. The final type of legislation is the private bill, which can be introduced by any MPP. These bills concern the activities and interests of a particular group, corporation, profession, or municipality. They are generally considered to be non-controversial, and almost always pass into law.

Legislative Committees

Legislative Committees are an important feature of the legislative process, and are essential to the conduct of business in the Legislature. In Ontario, there are several types of Legislative Committees which review legislation, scrutinize budget estimates, and undertake special studies or investigations: The Board of Internal Economy, Standing Committees of the Legislature, and Select Committees. Two other Legislative "Committees" refer to the whole Legislative Assembly when it is engaged in certain committee-like functions. These are the Committee of the Whole House and the Committee of Supply.

The Board of Internal Economy: A permanent committee, the Board was created under the *Legislative Assembly Act*. The Board is responsible for the approval and management of the budgets of the Legislative Assembly and its Committees and Offices, as well as approval for the organization and staff establishment of the Offices of the Legislature. The Board is composed of seven members: a Chairman (The Speaker of the House), three Cabinet ministers, and one member each from the Government, the Opposition, and the third party. The Board meets approximately every three weeks when the House is in session.

Standing Committees of the Legislature: These are bodies crucial to the performance of the Legislature's policy development and accountability roles. These Committees, composed of Members drawn from each political party and chaired

by a Government MPP (except Public Accounts), are created and given areas of jurisdiction at the beginning of each Session. Standing committees meet according to a set schedule, from one to three times a week, as long as the Legislature is in session, and report to the House on matters referred to them. Standing committees are automatically terminated at the end of each Session. At present there are four major standing committees in the Legislature: Administration of Justice, Resources Development, Social Development, and General Government. Other minor standing committees include Public Accounts, Legislative Assembly, Government Agencies, Finance and Economic Affairs, Regulations and Private Bills, and Ombudsman.

Select Committees: These are non-permanent, ad hoc bodies set up to examine or investigate particular issues. Once the task is complete, select committees report to the House, and are dissolved. Recent examples include the Select Committee on Retail Store Hours and the Select Committee on Constitutional Reform.

Committee of the Whole House: This is the term used to refer to the Legislative Assembly when it sits in the Legislative Chamber to debate certain issues, such as a clause-by-clause examination of a piece of legislation after second reading, or bills arising out of the Budget. All MPPs are members of the "Committee of the Whole." The Deputy Speaker takes the chair when the Committee of the Whole House is in session, and, generally, the rules of procedure are more relaxed.

Committee of Supply: This is the term used to refer to the Committee of the Whole House when it is considering the "Estimates"—the annual expenditure budgets of the ministries and central agencies of the government.

Membership in standing and select committees is, ideally, proportional to party standings in the Legislature. Ministers are never members of Legislative committees. Meetings of Legislative committees are generally informal; they are open to the public and the press, and presence of MPPs from all parties is an implicit requirement for any meeting. This can create problems when the composition of the House is in imbalance, as minority parties may find it difficult to contribute adequately to all committee meetings. Under these circumstances, parties with a limited number of MPPs usually find it necessary to assign a member to more than one committee, and to provide for alternates.

Offices of the Legislative Assembly

There are a number of offices and positions unique to the legislative branch of the government that are crucial to its operation. The offices of the Legislative Assembly (see Figure 3) include: Speaker of the Legislative Assembly, Clerk of the Legislative Assembly, Legislative Assembly Administration Office, Office of the Chief Election Officer, Commission on Election Finances, Legislative Library, Office of the Ombudsman, and Office of the Provincial Auditor.

Speaker of the Legislative Assembly

A member of the Government caucus, the Speaker is elected by the Assembly in its first meeting after a general election to preside over its meetings, adjudicate, and enforce parliamentary procedures and rules ("standing orders"). The Speaker, in essence a Minister responsible for the policy and operations of the Legislature, is responsible under the *Legislative Assembly Act, 1974* for the Office of the Clerk of the Legislative Assembly, the Legislative Assembly Administration Office, and the other major offices of the Legislature listed below. The Speaker has traditionally been nominated and acclaimed by the Legislative Assembly through an understanding between the Premier and the Leader of the Opposition.

Clerk of the Legislative Assembly

A public servant of deputy minister status, the Clerk advises the Speaker and members of the Legislature on questions of procedure and interpretation of rules and practices of the House. The Clerk is supported by the Office of the Clerk of the Legislative Assembly, which coordinates daily publication of the Orders and Notices, Votes and Proceedings, and Daily Business papers. These documents contain matters before the House, and are the official records of the activities of the Legislature. The Office of the Clerk provides record-keeping services for the Legislature and for Legislative committees, ensures the safekeeping of such papers and records, and handles public enquiries concerning the status of legislation, parliamentary procedure, and issues pertaining to standing and select committees.

Legislative Assembly Administration Office

The Administration Office provides personnel and associated administrative services for each MPP and his or her staff, the three party caucus offices, MPP constituency offices, and other offices of the Legislative Assembly. Branches of the Administration Office include:

Finance Branch provides administrative support, purchasing, supply management, printing, accounting, payroll, and the coordination of constituency offices.

Human Resources Branch provides personnel services for the Legislative Assembly, Legislative offices, and MPPs. The 276 staff of the Legislature are employees of the Legislative Assembly. They are not public servants, nor are they unionized.

Information Services Branch coordinates the Members Office Automation/Networking System, the Parliamentary Public Relations Office (which provides public tours, information, and interpretation services), and the Ontario Legislative Television Service.

Hansard Reporting Service covers the sittings of the Legislative Assembly and committees, and publishes an official report, *Hansard*, which is distributed to all MPPs and most libraries.

Office of the Chief Election Officer

This Office conducts provincial elections under the *Ontario Election Act*. The Office coordinates the appointment, training, and payment of Returning Officers and other election officials, reports election returns, and arranges the rental, equipment, and supply of the polling stations in the 130 electoral districts during an election. The Office maintains an index of provincial election districts by street name and number, and publishes historical information on elections, Legislatures, Cabinets, and political candidates.

Commission on Election Finances

This Commission administers the *Election Finances Act, 1986*, which provides for registration of political parties, riding associations, and candidates for elections, by-elections, and leadership conventions. The Commission supervises limits on campaign expenses, political contributions to registered parties, constituency associations, and candidates, and imposes a time limit on political advertising during an election campaign. The Commission provides subsidies for campaign expenses to eligible candidates and political parties, and collects audited financial statements of parties, riding associations, and candidates.

Legislative Library

The Library provides reference and information services to Members of Provincial Parliament and their staff, officers of the Legislative Assembly, research officers of the three parties, and members of the Legislative Press Gallery. It also provides research services exclusively for MPPs. The Library has an extensive collection of Ontario, Canadian, other provincial, and American government publications, as well as major daily and weekly newspapers and a press clipping service.

Office of the Ombudsman

The Ombudsman administers the *Ombudsman Act*. An officer of the Legislature of Ontario, the Ombudsman is appointed by the Lieutenant Governor in Council on the advice of the Assembly for a period of 10 years. His or her function is to investigate any decision, recommendation, act, or omission made in the administration of any ministry, agency, board, commission, or tribunal of the Government of Ontario. The Ombudsman reports annually to the Speaker. Concerns can be raised, in writing, by any Ontario resident, through any one of eight regional offices. The staff is multilingual. The *Ombudsman Act* does not apply to municipalities, hospitals, school boards, the judiciary, or to the Executive Council.

Office of the Provincial Auditor

Appointed under the *Audit Act*, the Provincial Auditor's major responsibility is to audit the financial statements of the Province, all government ministries, and a number of provincial agencies, boards, and commissions. The Auditor's primary goal can be described as helping the Legislature hold the Government accountable for

the management of the province's resources. This goal is achieved through the presentation of the Auditor's Report to the Legislature each year. This report is reviewed by the Legislature's Public Accounts Committee, which summons ministers and senior officials to discuss issues raised by the report. The Auditor's secondary goal is to help deputy ministers and heads of Crown agencies by reporting on the quality of the management of funds in their organizations. The Office of the Provincial Auditor is divided into several branches: Economic Policy, Justice, Social Policy, General Government, Reporting and Standards, Electronic Data Processing and Resources, and Administration. The Office employs approximately 110 staff, the majority of which are professional accountants.

1987-88 Expenditure Estimates:

Legislative Assembly		\$68,081,000
which includes:		
Office of the Speaker:	\$ 689,100	
Clerk of the Assembly:	4,535,000	
Commission on Election Finances:	1,220,000	
Legislative Library:	4,440,000	
Chief Election Officer:		\$ 551,600
Office of the Ombudsman:		6,546,700
Provincial Auditor:		6,699,800

For further information on legislative support services and the remuneration of MPPs, see Annex A and Annex B.

THE JUDICIARY

The Judiciary is the system of courts which the state provides to settle legal disputes arising between individuals, between individuals and the state, and between different levels of government. The primary role of the Judiciary is to provide a forum for the impartial interpretation and application of legal rules and principles, derived from statutes, custom and precedent. Under the Canadian Constitution, the administration of justice is designated as a provincial responsibility which encompasses the constitution, maintenance, and organization of both civil and criminal courts at the provincial level, with jurisdiction over matters arising under provincial and federal laws.

The appointment of judges, however, is a divided responsibility. The Governor General of Canada, on the advice of the Privy Council, appoints judges for the Superior and District Courts in the province, while the Lieutenant Governor, on the advice of the Attorney General and Cabinet, appoints the judges for the Small Claims, Surrogate, and Provincial Courts. The organization of the Ontario court system is governed by the *Courts of Justice Act*, which establishes the province's courts and regulates their proceedings. As the senior law officer in the province, the Attorney General is responsible for the administration of the court system in Ontario. Advice to the Attorney General can be provided by the Ontario Courts Advisory Council, the Judicial Council of Ontario, and the Inspector of Legal Offices. In general, all court hearings are open to the public. The judicial system in Ontario for both civil and criminal matters is structured hierarchically (see *Figure 4*):

The Supreme Court of Ontario

The Supreme Court of Ontario is the superior court, in the sense that it is not subject to supervisory control by any other court except by due process of appeal. The Supreme Court is divided into two sections:

1. *The Court of Appeal*: The highest court of final resort in the province, it generally hears civil and criminal appeals from the lower courts, or questions referred to it by the provincial government. It is comprised of the Chief Justice of Ontario, his Associate Chief Justice, and 14 other Justices of Appeal. Proceedings take place primarily in Toronto, are generally heard by three judges, who decide cases by majority.
2. *The High Court of Justice*: This is the trial division of the Supreme Court, comprised of the Chief Justice of the High Court, his Associate Chief Justice, and 60 judges. With certain exceptions, such as family matters, parties

before the High Court of Justice may be granted trial by judge and jury. The Divisional Court is a division of the High Court with jurisdiction to hear appeals from provincial administrative tribunals and from Provincial Small Claims Court. The Family Law Division of the High Court handles divorce trials and motions for child custody and support. There is a local office of the Supreme Court in every county and district in the province.

The District Court of Ontario

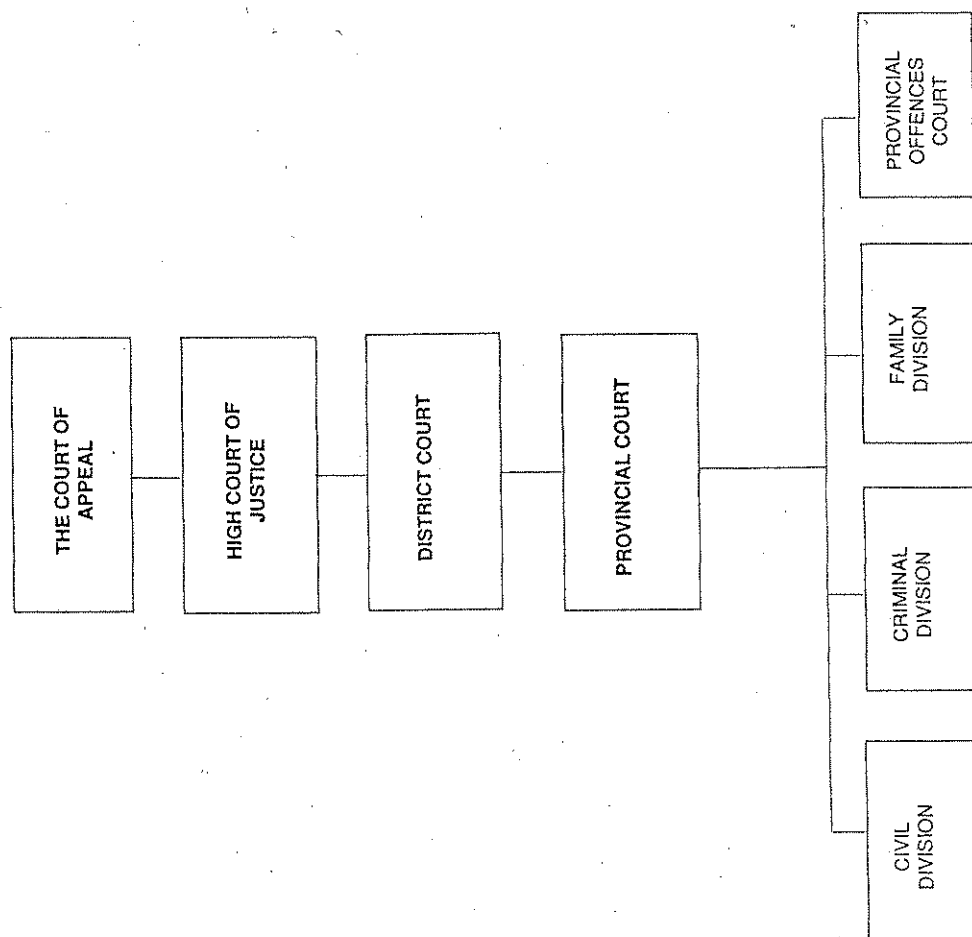
The District Court has civil and criminal jurisdiction, and is subject to review by the Superior Court. The District Court consists of the Chief Justice of the District Court, the Associate Chief Justice, and 163 judges, including a senior judge for most counties, districts, and judicial districts in the province. In civil cases, any amount of damages may be claimed, but the action may be moved from the District Court to the Supreme Court for an amount over \$25,000. District Court hears appeals of decisions of the Provincial Court (Family Division), Provincial Court (Criminal Division), Provincial Offences Court, and Youth Court. It can also try persons charged with an indictable offence. Sheriffs serve documents, summon jurors, and administer the court houses in the 12 Judicial Districts, 11 Districts and 26 Judicial Counties in the province. District Court judges also serve as judges of the Surrogate Court in their district or county. The Surrogate Court considers matters relating to the validity of wills and the administration of the estates of persons who die intestate.

The Provincial Court of Ontario

The Provincial Court is divided into four sections:

1. *Provincial Court (Civil Division)*: also known as Small Claims Court, adjudicates damage actions, disputes over goods and services, or claims for outstanding debts, where the amount claimed or the value of property does not exceed \$3,000 in Metropolitan Toronto, or \$1,000 elsewhere in the province. Procedures in Small Claims Court are generally informal; representation by a lawyer is not required. Referees of the Small Claims Court are available to counsel individuals on their claims.
2. *Provincial Court (Criminal Division)*: deals with persons charged with offences under the Criminal Code of Canada, in a trial setting. This court also sits preliminary hearings to determine sufficiency of evidence, bail hearings, and appeals from Provincial Offences Court. Under the *federal Young Offenders Act*, this Provincial Court may sit as Youth Court to try young offenders, 16 or 17 years of age, charged with criminal offences. There are approximately 160 judges in the Criminal Division.
3. *Provincial Court (Family Division)*: has jurisdiction over family law matters such as spousal and child support, child custody and access, criminal restraining orders, guardianship, child protection, and adoption. When a young offender (aged 12 to 15) is involved, this division may also sit as

Figure 4
THE JUDICIARY IN ONTARIO



Youth Court, though matters may be referred to the Criminal Division. There are approximately 60 judges in the Family Division.

4. *Provincial Offences Court*: tries persons charged with offences under the Statutes of Ontario, particularly the *Highway Traffic Act*. Proceedings are usually heard by a Justice of the Peace, who is a judicial officer supervised by a provincial judge.

Beyond the provincial court system, a resident of Ontario may have recourse to the federal court system in certain matters, for example, appeals to the Supreme Court of Canada.

Section 2

POLICY DEVELOPMENT AND BUDGETING

The processes by which Government policies are developed and approved, and the collection and allocation of the resources necessary for the implementation of Government programs, are the subjects of this Section.

THE PUBLIC POLICY DEVELOPMENT PROCESS IN THE GOVERNMENT OF ONTARIO

A policy is a definite course of action developed to meet identified needs and to address existing and emerging issues. Policies are developed at many levels in the public sector, and may be divided into three general categories:

1. *Public policy* has a direct impact on the public through provincial government program delivery.
2. *Strategic or tactical policy* is designed to deal with a specific situation.
3. *Management policy* comprises operational and administrative directives designed to improve effectiveness of management of the government.

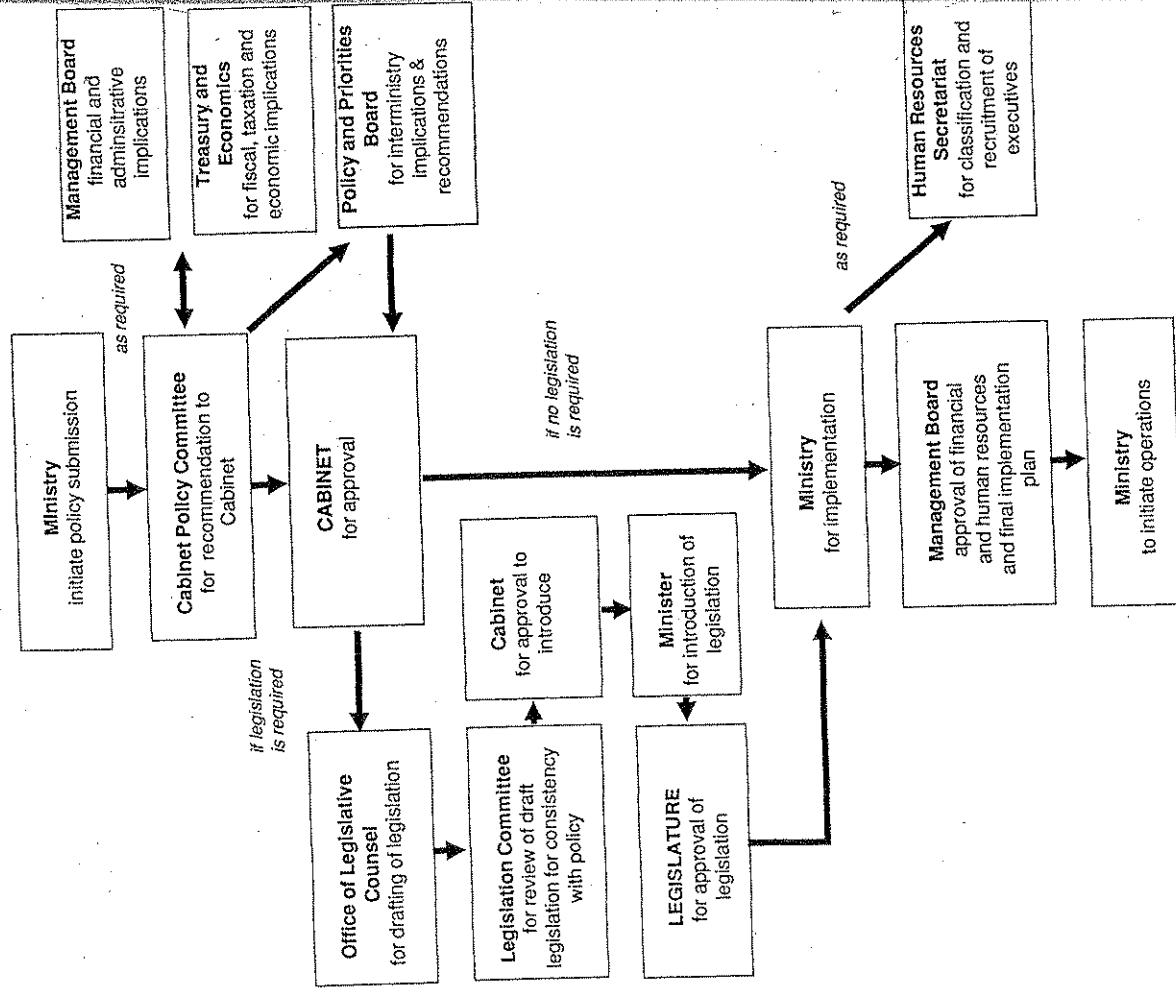
Although public policy-making is ultimately a Cabinet responsibility carried out by elected representatives, the policy development process involves both ministers and senior public servants. The staff support Cabinet decision-making by supplying the best available information, advising ministers, implementing policies, and administering programs.

Sources of public policy ideas

The most common source of public policy ideas in Ontario is the public service, which among its other duties, is responsible for offering policy advice to the Government. Each ministry has a management committee comprised of the Deputy Minister, Assistant Deputy Ministers, and key branch Directors. The management committee meets on a regular basis and recommends the development of policy papers in response to a perceived inadequacy of a particular government program or policy. The research, analysis, and development of public policy issues is usually delegated to the Policy Branch within each ministry. Often government program and policy development is initiated within the public service as a result of contact between senior public servants and outside public interest groups.

Cabinet Ministers and Cabinet Committees often initiate policy development and debate at the Executive level. One of the primary functions of the Cabinet Committees of Economic Policy, Social Policy, and Justice, is to anticipate emerging public policy issues and to initiate the study of these issues by Cabinet Office and by individual ministries. This is particularly important when a public policy issues crosses the jurisdiction of more than one ministry. Inter-ministry committees are often

Figure 5
POLICY IMPLEMENTATION APPROVAL



created to study a problem or policy issue that involves several ministries, reporting back to the appropriate Cabinet policy committee. For example, development of provincial policy on industrial waste disposal might involve the Ministries of the Environment, Municipal Affairs, Natural Resources, and Industry, Trade and Technology.

Public policy initiatives can also originate with the policy advisors to the Premier and to Cabinet ministers in response to the influence of interest groups. Often, these issues are a reflection of the governing political party's policy platform. Within the Government caucus, a private member's bill or a caucus committee report may prompt the Government to develop a policy proposal. Royal Commissions or Task Forces often recommend public policy which the Government incorporates into its program. The Opposition may suggest a policy that the Government considers popular or pragmatic. The Press may advocate public policies through the expression of opinions, editorials, and letters to the editor. Finally, a Government may act upon the urging and suggestions of public interest groups.

Analysis and discussion of public policy proposals

Once the public policy initiative has been researched, analyzed, examined, debated, and developed into a proposal, the management committee of the ministry responsible for the issue will approve or reject the submission of the policy to the appropriate Cabinet policy committee for analysis and discussion. As demonstrated by *Figure 5*, the policy submission may be referred by the Cabinet policy committee to Management Board Secretariat, for an assessment of financial and/or administrative implications, or to the Ministry of Treasury and Economics for an assessment of fiscal and taxation implications. Once approved by the policy committee, the proposal is forwarded to the Policy and Priorities Board for discussion. As the most powerful Cabinet committee and the centre of public policy debate in the Cabinet, the P & P Board decides whether or not to proceed with a policy issue, and makes its recommendation to full Cabinet.

Policy implementation

Once approved by Cabinet, a policy will be implemented by the appropriate ministry on the basis of an Order-in-Council, a Cabinet directive signed by the Premier and the Chairman of Cabinet. If enabling legislation is required, it will be drafted and submitted to the Cabinet Legislation Committee for review, to ensure consistency with already existing Government policy and programs. The Legislation Committee makes its recommendations to full Cabinet, which must approve the legislation for introduction into the Legislative Assembly by the Cabinet Minister responsible for the policy. The Legislature will then debate the legislation (see *Legislative Process*, above), which must pass it by majority before it can be proclaimed law and passed on to the responsible ministry for implementation.

Before a public policy issue can become a government program, the responsible ministry may have to submit it to the Human Resources Secretariat for approval of

staffing, and must submit it to Management Board for final approval of financial and human resources. Only then can the ministry initiate operations. This process may take as long as several months, even years, depending on the perceived urgency and political ramifications of the policy issue. Debate may delay passage at the Cabinet committee level, in the central agencies and ministries, or in the Legislative Assembly.

The policy development and approval process is most effective when it assists in resolving identified issues, satisfies established policy objectives and meets public needs, when it supports and responds to the political decision-making system in a democratic, responsible system of government, when it respects approved administrative procedures designed to assign specific responsibilities to ministries and central agencies, and when it ensures participation of all appropriate individuals within and beyond government.

BUDGETING IN THE ONTARIO GOVERNMENT

The Budget Process

The annual revenue and expenditure (or "estimates") budgeting process in Ontario can take up to 18 months from initial planning in the Ministry of Treasury and Economics to final approval by the Legislative Assembly. The Policy and Priorities Board of Cabinet examines documents placed before it by Treasury and Economics, which outline provincial fiscal strategies based on current economic data, and sends its recommendations to full Cabinet for discussion. Following Cabinet approval, Treasury and Economics, Management Board Secretariat, and Cabinet Office produce a summary document, which sets out specific targets for government expenditure, revenue, and cash requirements, taking into consideration decisions on spending and transfer payments by the federal government. This process is usually completed by August each year so that the estimates process can begin by September.

The estimates process involves the approval of the allocation of funds among ministries, by Cabinet, and of the allocation of money for specific programs by each ministry, in consultation with Management Board Secretariat and Treasury and Economics. By January, detailed estimates are submitted to Management Board of Cabinet. The Estimates are tabled in the Legislative Assembly in May and are debated by the Committee of the Whole House (as the Committee of Supply) and other relevant Legislative committees, ministry by ministry, throughout the year.

The revenue Budget, by contrast, is centred on the Provincial Treasurer and the Ministry of Treasury and Economics, in consultation with the Premier and with private sector financial advisors and special interest groups. The Treasurer generally "brings down" a Budget—a speech in the Legislative Assembly on provincial economic policy and tax changes—in April or May each year, after four to six months of research and preparation. The Budget statement is generally a reflection of Government policies presented in the Speech from the Throne at the beginning of the Legislative session, and outlines the Government's fiscal and economic priorities.

Sources of Revenue

Taxation raises approximately 66 percent of the \$34.2 billion of revenue the government will collect in the 1987-88 fiscal year. Half of the taxation revenue, ap-