



September 30, 2001

VIA COURIER

Mr. Ron Foerster
The Walkerton Inquiry
180 Dundas Street West
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Toronto, Ontario
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Re: Machinery of Government for Safe Drinking Water in Ontario

Dear Mr. Foerster:

We appreciate the opportunity to comment on the Government's response to Mr. D'Ombra's discussion paper.

Despite the frustrating lack of source material, Mr. D'Ombra has done an admirable job of mapping and explaining the machinery of the Ontario Government. He contributes far more than a simple schematic outline of government functions. Instead, he highlights some of the ambiguities and open questions that arise in the conflict between the form of a given administration and the manner in which it actually operates.

Like all governments, the current administration has its own agenda, peculiarities, and cast of central players. In OPSEU's submission, these less tangible ingredients of a government are no less important to understanding the policy-making process than a formal examination of the machinery of government.

It is our opinion that the Government's response to Mr. D'Ombra's discussion paper entirely ignores the central issue of how the current administration actually functions.¹ The Government's formulaic rebuttal, by hewing so closely to a literal understanding of government decision-making, offers very little of value to the Commission's work.

In our view, the central question before the Walkerton Inquiry concerning government organization is whether or not the Government of Ontario is properly organized to execute its responsibility to protect public health and the environment with regard to drinking water.

¹ August 2, 2001 letter from K. Lynn Mahoney, Smith Lyons LLP, to Ron Foerster.

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To answer this question, the Inquiry must examine not only the *machinery* of government but also the decision-making process specific to this particular government. This should involve a full understanding of the interaction between ministry staff, senior civil servants, central agencies, political staff, and Government ministers.

We would also like to note that, despite OPSEU's many disputes with the current administration and its policies, the primary goal of this submission is not to lay blame but rather to contribute to an understanding of government organization and ultimately to support a vision of public service that recognizes the public interest above all others.

Our submission focuses on the following areas: the Conservative transition to Government, ministerial responsibility and the role of deputy ministers, cabinet decision-making and the role of central agencies, and the Ministry of the Environment.

Our Sources

As we believe the current administration's decision-making environment was firmly established from its earliest stage – the transition to government in the summer of 1995 – we make reference to two books: *The Promised Land: Inside the Mike Harris Revolution* and *Cycling into Saigon: The Conservative Transition in Ontario*.² The former book is by a prominent Queen's Park reporter and the latter is authored by two of the very few Canadian academic experts in government transitions. Both are based on extensive interviews with key players within the Conservative Party, the Premier's Office, and the highest reaches of the Ontario Public Service.

In addition, over the last week we have interviewed five former deputies, some of whom served up until the transition and some of whom continued to serve the new Government, a former NDP Minister of the Environment, and other senior civil servants.³

Our interviews have largely confirmed our conviction that the atmosphere within a government is as important as the formal structures established for decision-making. Former Environment Minister Ruth Grier explained that, "Personalities and people make a difference. The structures on paper frequently do not reflect the channels through which communications take place and decisions are made." Another former deputy explained that informal as well as formal routes must be used and that when you lack informal channels, "the formal systems are sometimes all that you have." Both, therefore, require extensive study.

The Transition to Government and the Role of the CSR

While there are many critics of the current government, no one can fault them for lacking political direction. Unlike previous governments, the Harris administration has demonstrated a firm control over the civil service from its very first days.

² David Cameron & Graham White, *Cycling into Saigon: The Conservative Transition in Ontario*. Vancouver: University of British Columbia Press, 2001

John Ibbitson, *The Promised Land: Inside the Mike Harris Revolution*. Scarborough: Prentice Hall Canada, 1997.

³ With the exception of former Environment Minister Ruth Grier, the other interviews were conducted on the basis of strict confidentiality.

As John Ibbitson points out, the Conservative Party worked closely with former senior civil servants in the months leading up to its initial election victory. And, although it was not expected to win that election, it was entirely prepared to assume office upon victory.

In this passage, Cameron and White explore the dynamic that was established during the transition period – one in which a certain group of top civil servants rose to prominence:

If overtly political firings below the deputy rank were very rare, it is clear that the Tories sanctioned a far-reaching restoration of an old bureaucratic guard at the senior levels of the OPS. Given the prominence in the transition team of such Davis-era deputies as Tom Campbell, Graham Scott, and Brock Smith, this was hardly surprising. As with any shift in power within a large organization, this entailed numerous consequent changes in personnel at the middle and senior levels of the public service as the bureaucratic fortunes of various players waxed and waned according to their links and experiences with the new bureaucratic elite and with the deposed deputies. Government bureaucracies may not be partisan but they are very political places, and the OPS is no exception; bureaucratic politics certainly played a role in the promotions and firings that occurred throughout the OPS in the months after the Tories came to power.⁴

Ibbitson cites an earlier paper by Cameron and White in which they expressed their surprise – as veteran observers of Canadian bureaucracy – at the mindset that characterized key players in the civil service and political insiders,

We were struck on several occasions to find both political and bureaucratic interviewees voicing what to our minds was a naïve distinction between policy and implementation... Policy was what was in the CSR... The election meant that the policies of the Conservatives had been approved by the electorate and now implementation could begin. There was no need for policy committees of cabinet, no need for papers presenting options or exploring the costs and benefits of alternative courses of action, apparently no significant issue for decision which had not been pre-figured and pre-determined by the CSR policy framework. Action was what was required; public servants were simply to get on with the job, and politicians were there to see the job was done. It is not difficult to see how this conception of the distinction between policy and public administration could lead a government to serious errors in judgment and vexing political problems.⁵

In addition to various other election commitments, the chief challenge facing the new administration was the perceived need to implement unprecedented spending cuts throughout the Ontario Public Service (OPS). This challenge required a strict control over Ministry activities. As Cameron and White write, “A central conclusion was that a Harris government would focus on a narrow, tough fiscal agenda, and that to succeed, such an agenda would have to be driven from the top. In turn, the system should see senior ministry staff primarily responding to direction from the top rather than sending ideas and proposals up the line for approval (traditionally the bulk of cabinet activity).”⁶

Premier-elect Harris took many critical steps to ensure that fiscal cuts would triumph over all other considerations. As noted above, the key tool he used in this project was the Conservative

⁴ Cameron & White, pages 116 and 117.

⁵ Ibbitson, page 115.

⁶ Cameron & White, page 87.

platform, *The Common Sense Revolution* (CSR hereafter), to constrain and direct the Government's agenda.

Rarely has an election platform been so relied upon to limit what is discussed within Government. The importance of this document has been confirmed by our interviews with former deputies and one of these deputies suggests that the "policy drift" that some have detected in today's Government is due, in part, to the less programmatic 1999 Conservative election platform.

Before the formal assumption of power, Harris' political staff transformed the CSR into an agenda for each ministry. This agenda was,

parcelled out to ministers as part of their "marching orders" – customized sets of instructions to all ministers detailing their responsibilities in implementing the agenda. Indirectly, of course, these were also instructions to the bureaucrats. One Tory figure observed that in terms of the transition, "the real value of the CSR was to give the public service a sense of direction ... It allowed us to hit the ground running, which in turn gave us both internal and external credibility."⁷

In addition, Harris made it clear that his Cabinet would be judged by its ability to implement the CSR, not by their understanding of their respective portfolios. As Ibbitson relates, Harris' Ministerial appointments seemed to be based on an entirely new set of criteria,

Cabinets are usually chosen based on considerations of geography, gender, competence, and loyalty. Harris added his own personal views on cabinet making to this mix, deliberately deciding to appoint ministers to areas in which they had little or no previous experience. At first – indeed, at second – glance, this seemed perverse. Ministers coming into a new government are always in danger of being overwhelmed. Any experience they might have in the field can only help to reduce that danger. But Harris's great fear was that his ministers would become captive to the interests that inevitably attach themselves to each portfolio.⁸

The first impression most deputies gained of the Premier and his priorities came on June 27, 1995 during his speech to the all deputies. In this speech, Harris committed himself to work with and respect the senior civil service *on the condition* that they implement his Party's election platform without question.

It is interesting to read how the Premier framed the role of top public servants, "I am unconditionally committed to reaching our goals, but very open to discussing how we get there. If there are better ideas out there about how to cut spending, reduce waste, and improve efficiency, we want to hear them."⁹ It is also worth noting – as we are sure it was noted by surviving deputies – that a key deputy had been immediately dismissed for questioning the feasibility of the fiscal targets in the CSR.¹⁰

⁷ Cameron & White, pages 136 and 137.

⁸ Ibbitson, pages 107 and 108.

⁹ Cameron & White, page 185. This is from a full transcript of the Premier's remarks to Deputy Ministers on June 27, 1995.

¹⁰ Cameron & White, page 105. Although this speech came only weeks after their election victory, the Conservative transition team had already purged a number of senior civil servants.

Harris went on to explain his decision to cut all policy committees of Cabinet in the following manner, “I have established a new Cabinet Committee structure designed to serve a government that must emphasize downsizing as an absolute priority.”¹¹

The decision to eliminate policy committees, including the committee dealing with environmental issues, is a critical one.¹² Cameron and White explain, “the policy committees’ prime purpose was to generate and vet new policy proposals, but the incoming government already knew what it wanted to do and wasn’t interested in new ideas or in being distracted from its fiscal priorities by opening up a series of internal policy debates. The goal, said one Harris advisor, was “implementation not debate.””¹³ It is important to note, however, that the Conservative Government’s chosen transition team had warned them about the implications involved in cutting these committees.¹⁴

According to Cameron and White, the speech “was a sobering message for the members of the Deputy Ministers’ Council and a clear declaration of what would be expected of them under the new regime.”¹⁵

Finally, Harris made it clear that his new Cabinet Secretary, Rita Burak, would handle all dealings between the political and bureaucratic arms of government. One former Deputy tells us that the implication was clear, that there was to be no direct contact between the deputies and the Premier. This was a marked change from the previous administration.

Burak quickly restructured Cabinet Office to fit the needs of the new regime. The Deputy in charge of policy in Cabinet Office was replaced with an Assistant Deputy Minister responsible for “policy coordination,” “reflecting the view that there was no great need to develop policy substantively but that there was a role in overseeing the implementation of policy.”¹⁶

Ministerial Responsibility and the Role of Deputy Ministers

In paragraph #333, Mr. D’Ombraïn cites the 1997-98 report of the Ontario Ombudsman in which she wrote of an “atmosphere of fear” among public servants which has resulted in a serious weakening of “the values upon which the public service has historically relied, including the obligation to “speak truth to power” even when the truth is unwelcome.” While the feedback from front-line staff strongly reinforces the notion of this atmosphere of fear, we also believe that key senior civil servants have been complicit in the development of this situation. However, while these public employees should be held accountable for their actions, the ultimate responsibility must lie with the Cabinet and Premier of Ontario.

¹¹ Cameron & White, page 185.

¹² We have already provided commentary on this issue in our response to the Gibbons Report, presented in Part 2 of the Walkerton Inquiry.

¹³ Cameron & White, page 109.

¹⁴ Cameron & White, pages 109 and 110. It is important to note, however, that the Government reinstated policy committees within its first term. And, as Mr. D’Ombraïn notes in paragraph 54, the Government recreated the Environment Committee in February 2001, following the events in Walkerton.

¹⁵ Cameron & White, page 120.

¹⁶ Cameron & White, page 110. It should be noted that this position in Cabinet Office was eventually reinstated.

The predominance of the CSR, and the 1999 Conservative election platform, over the traditional activities of the public service continues to this day. As Mr. D’Ombraïn notes (paragraph #67), the approval of the Premier’s Office is required for any policy or program that does not fit within the gambit of the Government’s election commitments.

However, we believe that this observation, though true, does not fully capture the control exerted over traditional bureaucratic functions by the Premier’s Office. For a Minister or a Deputy Minister, the reality is ministerial issues can only be discussed in Cabinet if they are “on message.”¹⁷ Exceptions are rare.

One former deputy we interviewed described the lesson the surviving deputies quickly learned, “we were quickly taught not to be proactive, very few people were to be allowed to challenge or question priorities set at a higher level.” The deputy contrasted this atmosphere with that under Premier Rae in which debate was constantly encouraged, even if that put a deputy in conflict with Cabinet Office or the Premier himself.

Under the Harris administration, deputies were encouraged to, “tell us what the upside is, not the downside.”¹⁸ The implications of cuts to ministries were often dealt with as communications issues rather than policy issues.

As one former deputy observed, the Conservative Government knew what it wanted to communicate, having tested its communication strategy extensively in the years and months leading up to the 1995 election. While it is to be expected that Cabinet submissions would include a communications strategy to support recommended options, the current Government is uniquely attuned to its communication needs. Consequently, Cabinet decision-making often involves a great deal of discussion about communication issues whereas more emphasis was placed on policy discussions in previous administrations.

In particular, the direct reporting relationship between Ministry communications branches and Cabinet Office (noted by Mr. D’Ombraïn in paragraph 57e) – an “unprecedented development” according to one former deputy we interviewed – underscores for the OPS the central importance of communications strategy to the current administration.¹⁹

Another deputy spoke to us about the relative impotence of Ministers under the current government. The influence wielded by Ernie Eves was, “the exception that proves the rule.”²⁰ While under Rae all Ministers had voice at the Cabinet table and many, especially those on the Policies & Priorities Committee, had real influence, Eves was the only Minister who could stand up to the office of Premier Harris.

However, whatever Eves influence might have been, the dynamics of Cabinet discussions under the current administration are very much decided by the Premier. While Premier Rae attempted

¹⁷ Confidential interview.

¹⁸ Confidential interview.

¹⁹ It should be noted, and was by some of those we interviewed, that the NDP administration clearly wanted to have central control over government communications. However, they never managed to achieve this goal.

²⁰ Confidential interview.

to find consensus among his colleagues, once Premier Harris expresses his opinion on an issue, the issue has been decided.²¹

As noted in the D’Ombraïn paper (#47 and #287), Ministers must have the freedom to raise issues with their Cabinet colleagues. The Conservative election commitments currently act as a mechanism for central political control and Mr. D’Ombraïn is right (#289) to suggest that “the existence of criteria raises a doubt about the ability of a minister to exercise the right to bring a matter to his colleagues for information or decision.”

The use of CSR criteria, interpreted and enforced by the Premier’s Office, to limit debate at such critical stages in Cabinet decision-making undermines the principle of Ministerial Accountability. Regardless of the power that understandably accrues to the Premier and his office, a measure of Ministerial independence in Cabinet is not only essential to the proper functioning of Government, it is a constitutional requirement (D’Ombraïn, #47).

We conclude this section with an anecdote from Ruth Grier. A former deputy under the Robarts administration told Grier that the Premier would arrive at Cabinet and announce his intention to, “do x. Everybody around the table would argue that the Government should do y and then Robarts would sum up the debate by saying the Government would do x.” The picture that emerges from our interviews is one in which the current Premier not only does “x” but also that other Ministers, with some notable exceptions, are not empowered to question his decision or present at the Cabinet table the implications of the decision for their own ministries after he has spoken.

Cabinet Decision-Making and the Role of Central Agencies

As Mr. D’Ombraïn points out (#296-306), the key central agencies in the Ontario Government are: the Ministry of Finance, the Management Board Secretariat, the Cabinet Office, and the Premier’s Office. Paragraph 305 reads:

Ontario’s central agencies, including the Premier’s Office, keep a tight grip on the activities of the government. There is a high degree of centralization, but decision-making is necessarily piecemeal because these agencies do not challenge ministers and their officials to think strategically. Nor are the agencies themselves equipped to develop and portray their own roles strategically. It is, for example, regrettable that there is no official description of the government’s decision-making system, principles of government organization or the role of the Cabinet Office available for the purposes of a study such as this.

In fact, one former official we interviewed pointed out that many Ontario Government practices – from the scheduling of Cabinet meetings to Cabinet minutes – are merely conventions, they are not required by legislation. This situation unfortunately obscures the process of decision-making and has the effect of undermining the public legitimacy of government actions. For the current inquiry, the untidy combination of informal and formal rules, personalities and players, makes a full exploration of the machinery of government quite difficult.

²¹ Confidential interview.

Our interviews with former deputies help shine some light on the role of these agencies in decision-making in the previous and current administrations.

For deputies, the key informal route to raise issues involves a discussion with the Secretary of Cabinet. At the political level, Ministers' political staff raise issues with political staff in the Premier's Office, sometimes following a suggestion by the Deputy to the Minister. As in all governments, "good decisions are based on good relationships."²²

In Ontario, Cabinet submissions are reviewed by the Premier's Office and Cabinet Office. This includes the draft Ministry business plans prepared for decision-making purposes. Changes were often requested and, depending on the minister and deputy minister in question, often accepted.

While ministry staff members are in attendance when business plans are presented to the Management Board of Cabinet, the presentations are done by Management Board staff. Only those issues that remained unresolved, following the initial discussion with central agencies, are discussed in any detail.

Two former officials spoke of the policy capacity within Cabinet Office. Under the Rae administration, Cabinet Office had a larger role in policy development than it does today. Indeed, it was not uncommon to have Cabinet Office develop a Cabinet submission from beginning to end and to present it for discussion and decision. Some officials question whether or not this was an appropriate role for Cabinet Office and note that the current OPS has reverted to an earlier model in which Cabinet submissions are developed, at least initially, entirely by Ministries.

One former deputy we interviewed suggested that a common problem in governments is the vantage point of those central agencies controlling the Government's agenda. Often central agencies "don't see the leaves on the trees, but only the forest. Sometimes the leaves are what matter."²³ This point is especially pertinent if, as Mr. D'Ombrain suggests (#296), Cabinet Office staff, rather than Ministry staff, present submissions to Ontario's inner Cabinet, the Policy & Priorities Board.

Under the previous government as today, the Cabinet Office and the Premier's Office work hand-in-hand to review, monitor, and negotiate changes to Cabinet submissions. However, under the Rae administration, all items going to the inner Cabinet – the Policy & Priorities Committee – had detailed briefing notes prepared by Cabinet Office staff that included an impact analysis, prepared in conjunction with the relevant ministry, of the possible consequences of each proposed decision. This impact analysis, in the words of two former officials, "focused on the public interest."

In particular, Cabinet Office impact analyses under Rae included lateral analysis. This meant that the impact on, for example, women, racial minorities, the North, and the environment, of cumulative decisions being proposed across the OPS would be assessed. This was of special importance during the Rae Government's extensive cost-cutting exercises.²⁴

²² Confidential interview.

²³ Confidential interview.

²⁴ Confidential interview.

A number of former deputies we interviewed suggested that impact analysis under the current government is largely limited to providing communications lines (again through a direct relationship between the Cabinet Office/Premier's Office and Ministry communication branches) to deal with the possible public fall-out from government decisions. One former deputy stated that, "Cabinet and P&P deal with communications issues only, not on what the Government should be doing. The Government agenda is ideologically prepackaged."

The former deputy continued by arguing that the predominance of the Premier's Office and of communications issues creates a "politically effective decision-making process" but does not allow for adequate management of ongoing government activities. By "pushing the day-to-day workings of government underground... by suppressing the consequences of policy decisions, [the Government has] created a system where it's absolutely impossible to warn them."²⁵

While these comments may simplify somewhat the Cabinet decision-making process, they indicate a severely limited understanding of ministerial accountability and the public interest on the part of the current administration.

One former deputy we interviewed spoke about the threat self-censorship within the OPS poses to the public interest. This deputy found that ministry staff would initially prepare submissions with a limited range of options and a limited discussion of their implications. When the deputy asked them why certain options were not raised and considered, the staff explained that they were attempting to fit the submission within the language and vision of the CSR. The deputy rejected this approach and told staff that "their job was to provide *all* options and implications."

However, the deputy goes on to suggest that perhaps not all of the deputies responded in the same way. The former deputy does not believe that all of the blame for this kind of self-censorship should be placed on the current elected government. "The civil service was never instructed to give only options A to C but sometimes it chose to do so... There were other times that I am sure political staff said to officials, "why are you even including this in your submission."" The former deputy explained that senior officials understandably see their job as serving their political masters. However, "some junior civil servants think serving politicians well means telling them what they want to hear." The former deputy argues that the job of the civil service is to preserve the public interest and serve the public good. This is the best way to serve the interests of the Cabinet.

Former officials in the Rae administration point to the influence of the then Premier's Office. Clearly it is physically impossible for the Premier to be everywhere at all times, directly involved in all government decision-making. The Premier's staff should have access to all stages in the decision-making process. The critical issue, however, is what they do with that access. Premier Rae's top policy staff would often meet with Deputies and Ministers to discuss key issues but, according to a former official, "they did not have the authority to impose a solution. They would offer criticisms and comments but never order changes to a Cabinet submission." However, other officials we interviewed stress that key political staff in the office of Premier Rae did in fact attempt to impose changes to Cabinet submissions. However, these could be more easily dealt

²⁵ Confidential interview.

with through negotiations with the Premier's Office or, if necessary, through ministerial intervention.

The key point here is not what political staff may have requested but rather how their requests were received by the civil service. The influence of political staff depends in no small part on the influence they are allowed to exert by Ministers and the Premier. Under the Conservative Government the influence of Premier's Office staff has greatly increased.

It is commonplace for political staff to associate their opinions with those of their elected employers. Sometimes, however, they may misrepresent the nature of their private discussions with Ministers and the Premier or make assumptions about how their employers would assess a given issue.

It is one of the duties of both Ministers and Deputy Ministers to critically assess these situations and, where an issue must be discussed at a higher level, take on the responsibility to do so. This reality was confirmed during the course of our interviews. For example, former Environment Minister Ruth Grier related to us that when she was told "the Premier is not interested in your issue," she would raise her issues directly with the Premier during Cabinet meetings.

As Mr. D'Ombra points out (#47 and 291), the ability of Ministers to raise issues in an unmediated fashion with the Premier and their colleagues is a critical element of the accountability of Ministers and Cabinets to the people of Ontario.

On a number of occasions (for example, paragraphs 58, 300, and 301), Mr. D'Ombra raises his concern that central agencies and the government, in general, lack sufficient policy capacity.

According to former deputies we interviewed, from its initial victory in 1995, the new government was very clear about its agenda. Political staff, in particular, projected the sense that their administration had done the necessary research and policy work and, as a result, "they didn't need any policy assistance from the bureaucrats."²⁶ What they required, instead, was implementation.

According to one former deputy, some ministries decided to cut research and policy staff, "because they do not want advice." As a result, a large number of policy analysts were let go in the ministry-by-ministry cutbacks as ministries tried to retain their operational staff. Other senior civil servants took their extensive policy experience with them when they found opportunities to leave.

In this manner, the clear agenda of the CSR combined with the huge spending cuts required by that platform contributed to a hollowing-out of the policy capacity of the OPS.

The final issue we want to discuss in this section is the role of quasi-central agencies like Superbuild. We share Mr. D'Ombra's concerns (#304) about the seeming incompatibility between the form of this organization and its activities at the core of government decision-making.

²⁶ Confidential interview.

We suggest that a further example, and one of critical importance to the work of this inquiry, is that of the Red Tape Commission. The mandate of this Commission was clearly to remove as much regulation as possible. In Part 1B of the Inquiry, evidence was presented that showed that this Commission was empowered to work directly with Ministry staff – short-circuiting the normal responsibilities of Ministers and Deputy Ministers – and to make recommendations directly to Cabinet.

However, one former deputy we interviewed made it clear that ministries did manage to review and comment upon proposed deregulation. That being said, the success of the ministry in question depended largely on its ability to argue that the proposed deregulation would be administratively unmanageable or that it would interfere with the overall mandate of the Commission. In any event, these activities on the part of a partisan commission of government are entirely inappropriate and do not fit within Ontario's public service traditions.

The Ministry of the Environment

Under the Rae Administration, the Ministry of the Environment played a central role. Not only was its Minister a key member of the inner cabinet – the Policy & Priorities Committee of Cabinet – ministry staff was consulted on every major submission that had environmental ramifications.

Part of this was due to the fact that the NDP had established a firm commitment to environmental protection, having established a Party policy committee two years before the 1990 election.

When the Liberals were elected in 1985, the appointment of long-time environmental advocate Jim Bradley as Minister sent a strong message to the Ministry that the government cared about environmental issues. This continued under Rae with the appointment of Grier.

In the opinion of former Environment Minister Ruth Grier, the Harris Government has returned MOE to the days of Bill Davis when the Minister of the Environment was treated as a “know-nothing minister with no power in Cabinet.” The Ministry is treated accordingly.²⁷

The Harris administration made it clear, from the earliest stages, that the only activity they approved of in the Ministry was deregulation. Furthermore, the treatment of the first Conservative Minister of the Environment sent a strong message to the Ministry as a whole.

Then Minister Brenda Elliott was one of the first government ministers to be demoted from Cabinet. As Ibbitson notes, “Brenda Elliott’s demotion was also no surprise. Government insiders had been prepping the press gallery for it for weeks, quietly hinting to reporters that Elliott was “lacklustre,” that she made no impact at the cabinet table, that her ministry was moving too slowly on environmental deregulation.”²⁸ It was surely not lost upon the Deputy

²⁷ This may have changed with the post-Walkerton appointment of Elizabeth Witmer as Environment Minister.

²⁸ Ibbitson, page 187.

Minister of the Environment and other senior civil servants that their Minister was removed because she could not deliver the required cuts.

Cameron and White interviewed Brenda Elliott at the time and explain the challenge she faced. They write:

What did prove enormously time-consuming was the need to find huge expenditure cuts and staff reductions in order to meet the centre's demand for savings. The two principal problems that Elliott identified in her first few months in office stemmed from the need to identify and realize substantial cuts. The first problem was [Elliott says] "the sheer volume and speed of all the changes... We were all going flat out ... everything was new for all of us and the very heavy agenda made things especially tough"; the need to deal with the urgent left little time or energy to reflect on a wide range of policy issues.²⁹

In paragraphs #247 through #251, Mr. D'Ombrain raises a number of concerns about the policy capacity of the current Ministry of the Environment. In particular he cites the report prepared by the Government consultant and former deputy minister, Val Gibbons, which notes, "the general trend in Ontario and elsewhere towards a devaluing of the legitimate role of the public service to build a strong internal and external knowledge creation, analysis, and synthesis capacity and to demonstrate leadership in the creation and dissemination of knowledge and information."

We feel that Ms. Gibbons places far too little emphasis on the current Government's role in this hollowing-out of essential state functions. While it is true that many governments rely on outside consultants for important policy work, the current Ontario Government downgraded the status of and significantly downsized the Ministry of the Environment upon assuming power. Our comments above about policy capacity in the OPS are especially relevant for this ministry which found itself the target of the ideological preconceptions of the incoming administration. Not only did the new Government make it clear that they wanted the Ministry to focus on deregulation rather than enforcement, the decision to axe the policy committees of Cabinet and the harsh treatment of the first Environment Minister surely sent a strong message to senior civil servants within the Ministry.

²⁹ Cameron & White, pages 136 and 137.

Conclusion

In these comments we have highlighted:

- The CSR's pre-determination of the policy framework and the limitation of the role of the public service to the implementation of this document;
- The restriction on policy debate in Cabinet and the senior public service;
- The focus within Cabinet on communications rather than full impact analysis;
- The increase in power of key political staff, particularly those in the Premier's Office;
- The hollowing-out of OPS policy capacity;
- The questionable role within government of Superbuild and the Red Tape Commission; and
- The downgrading of the status of the Ministry of the Environment.

It is our view that these aspects of the current government's organization reduce the ability of the Government of Ontario to execute its responsibility to protect public health and the environment with regard to drinking water.

Respectfully submitted,



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