Policy Development in Ontario*

Ray Pichette[1]

[1]Director, Natural Heritage, Lands & Protected Spaces Branch, Ministry of Natural Resources and Forestry, Ontario, Canada (ray.pichette@ontario.ca)

Abstract

This presentation will provide an overview of Ontario's policy development framework, outlining the processes that are used in developing or amending laws and policies. Different types of policy tools will be described, from legislation and regulation, to internal policies. This presentation will provide an overview of the machinery of government, explaining how public policy is developed, the approval process and the function of public, Aboriginal and stakeholder engagement and consultation.

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Director | Natural Heritage, Lands & Protected Spaces Branch
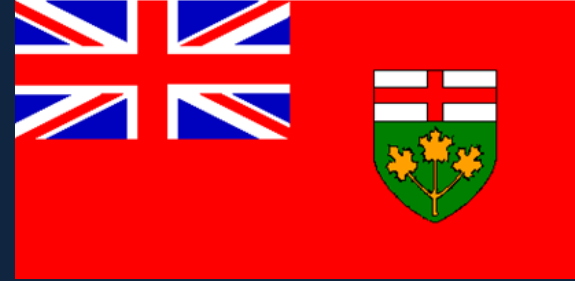**Ministry of Natural Resources and Forestry**
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Constitutional Responsibilities

- Banking
- Minting of coin
- External relations
- Defence
- Ports
- National/international transport
- Trade & Commerce
- Agriculture
- Fisheries

- Natural Resources
- Health
- Education
- Matters of local/private nature
- Municipalities
- Local works
- Property and civil rights
- Administration of justice
- Agriculture

Parliamentary System
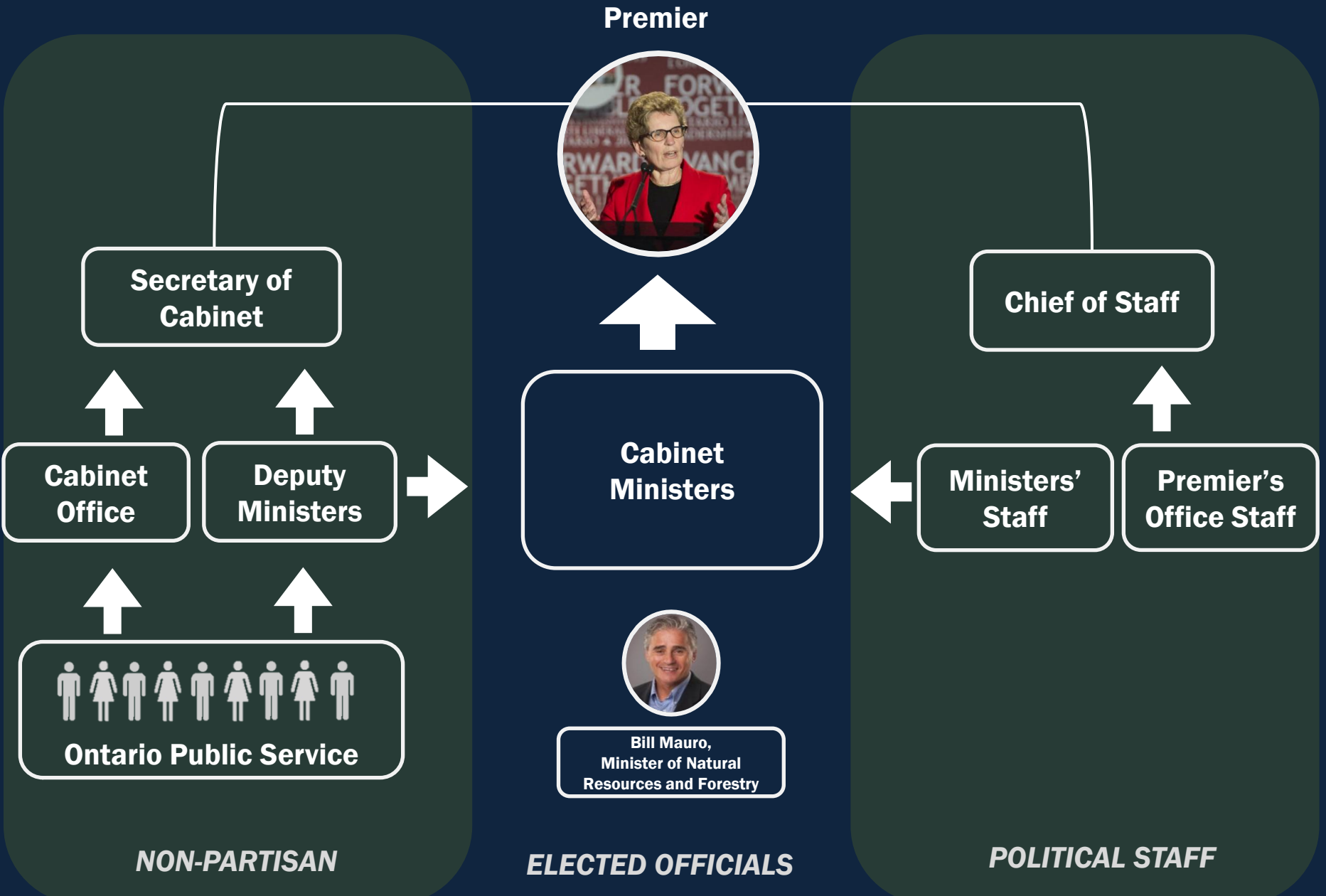
› British model of government (Westminster system)

› Executive sits in the legislature (unlike U.S.)

› Party-based:
   - Premier is party leader
   - Cabinet is chosen from elected party members

Legislature
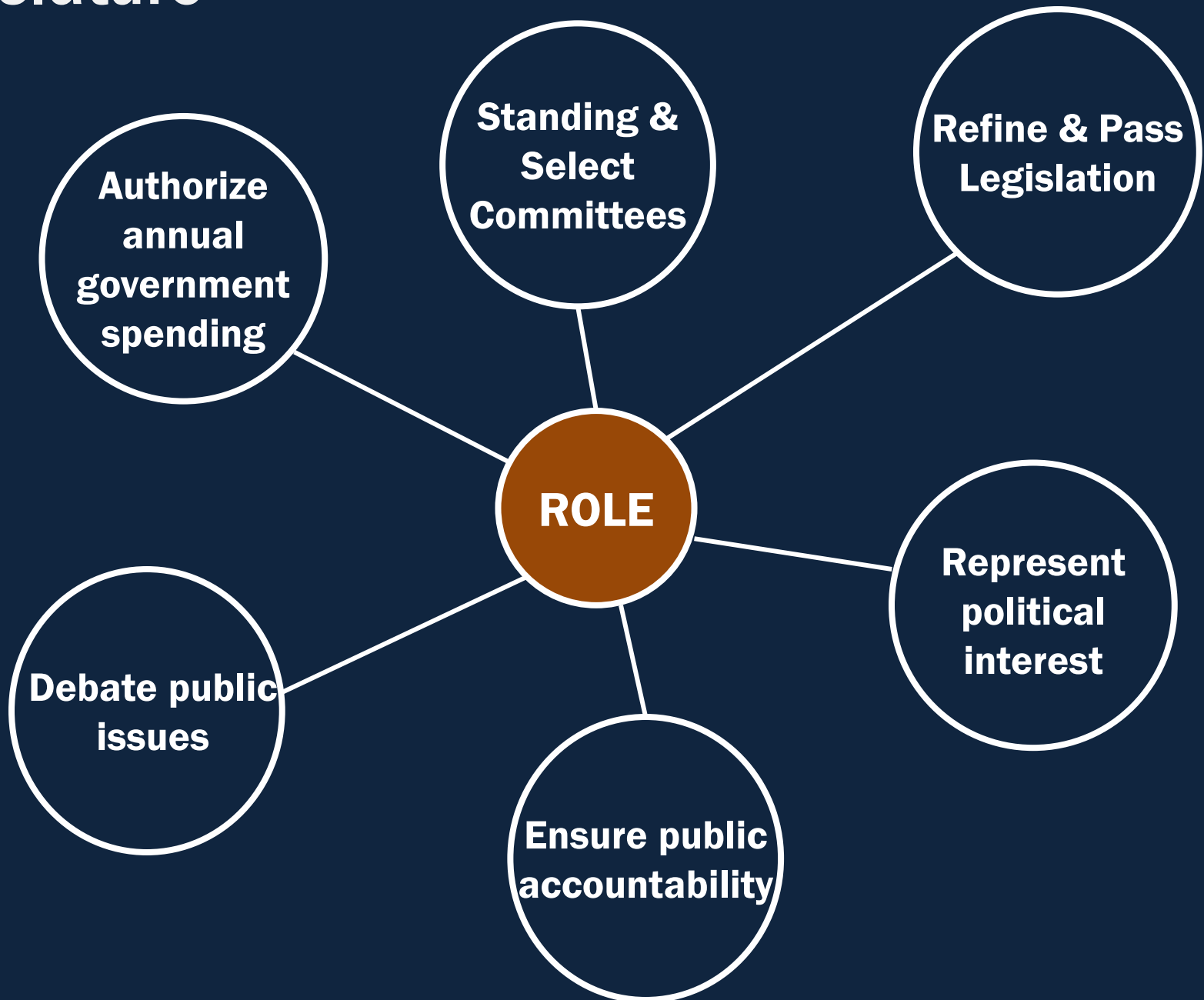
Ontario Government Structure

Cabinet Committees / Executive Council

The ultimate decision-making body in the Government of Ontario

- Priorities & Planning Committee (P&P)
- Health, Education, and Social Policy Committee
- Jobs & Economic Policy Committee
- Treasury Board/ Management Board
- **Cabinet**
- Committee on Poverty Reduction & Social Inclusion
- Legislation & Regulations Committee
- Committee on Emergency Management
- Committee on Northern Ontario
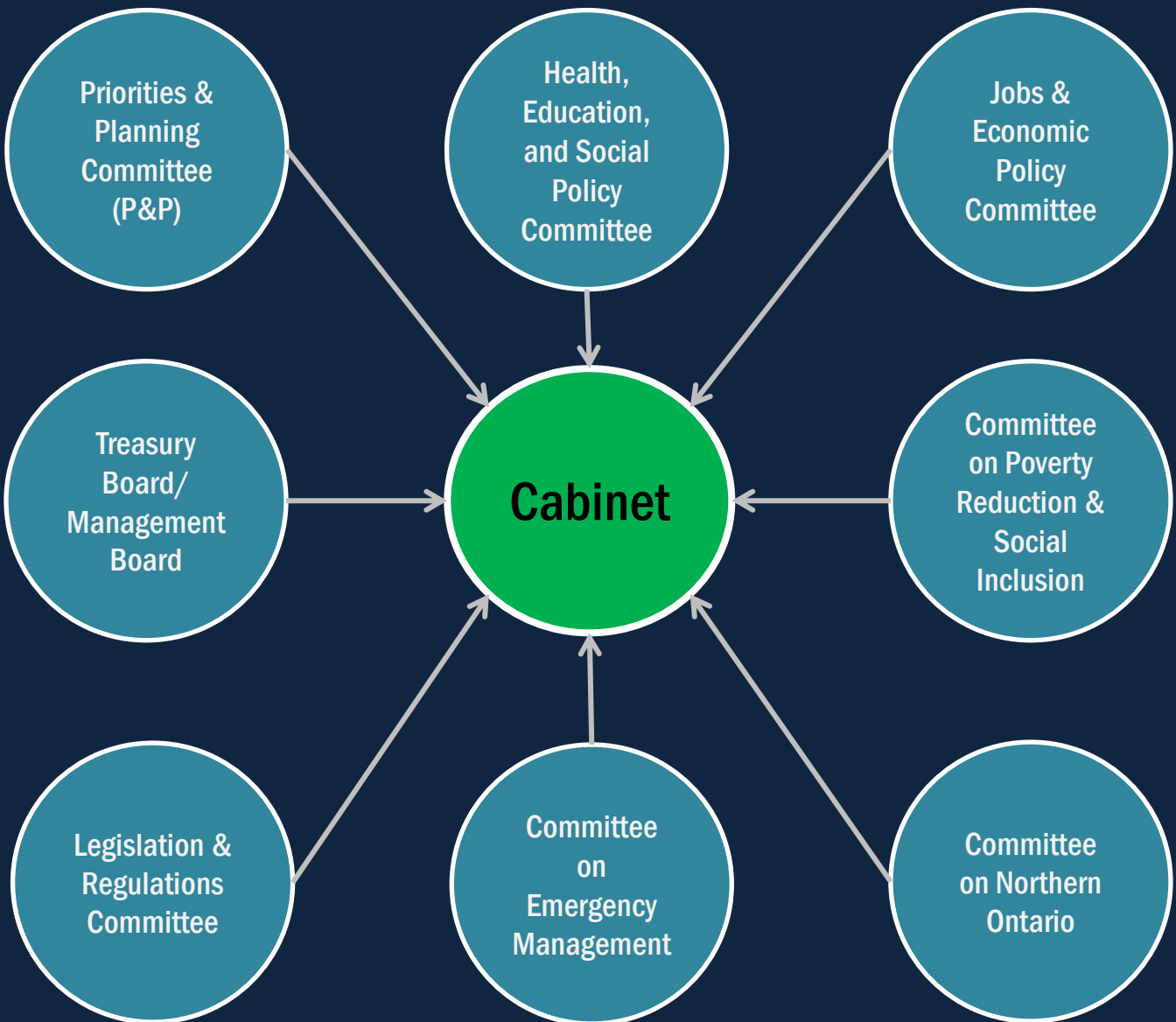
Principles of Cabinet Decision-Making

Collective responsibility of Cabinet

- Decisions arrived at by consensus (no voting)
- Ministers publicly support all Cabinet Decisions

Confidentiality of Cabinet Decisions

- Decisions are confidential unless authorized for communication

Individual responsibility of Ministers

- Responsible to Premier and to Legislature for administration of their ministries (e.g. defending estimates, question period)
- In addition to collective Cabinet responsibility, Ministers represent their Ministries' mandates

Political Neutrality of Public Service

- Cabinet & Ministers supported by permanent, non-partisan public service
- Truth to Power – our best advice

Types of Policy

› **Legislation (i.e. Acts)**

› **Regulation**

› **Strategic Policy**

› **Program Policy**

› **Operational/Administrative Policy**

Ontario Oil & Gas Policy

Legislation

⬇

Oil, Gas and Salt Resources Act

› Licences and permits
› Inspector powers
› Information management
› Power to make regulation

Mining Act (Part IV)

› Authority to dispose of Crown oil, gas and storage rights

Regulation

⬇

Regulation 245/97

› Pooling and spacing
› Well security
› Release of information
› Fees (for Trust)
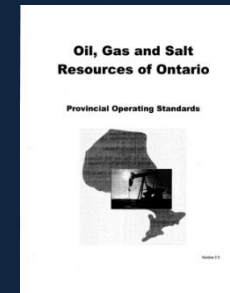
Regulation 263/02

› Process for granting Crown rights
› Royalties and Rents

Standards

⬇

› Minimum technical requirements for design, installation, operation, and abandonment

Oil, Gas and Salt Resources of Ontario

Provincial Operating Standards

Program & Operational Policy

› Various individual policies and directives providing guidance to clients and staff

Decision-Making: Who Decides?

Type	Decision
Legislation	Vote in the legislature
Regulation	Cabinet (most cases)
Program & Operational Policy	Minister (in many cases)

Decision-Making Processes

MINISTRY
(Confidential)

CABINET
(Confidential)

PUBLIC

Ministry prepares Cabinet Submission → Policy Committees → CABINET → Implementation

Legislation & Regulation Package → Legs/Regs Committee → CABINET

Treasury Board Package → Treasury Board → CABINET
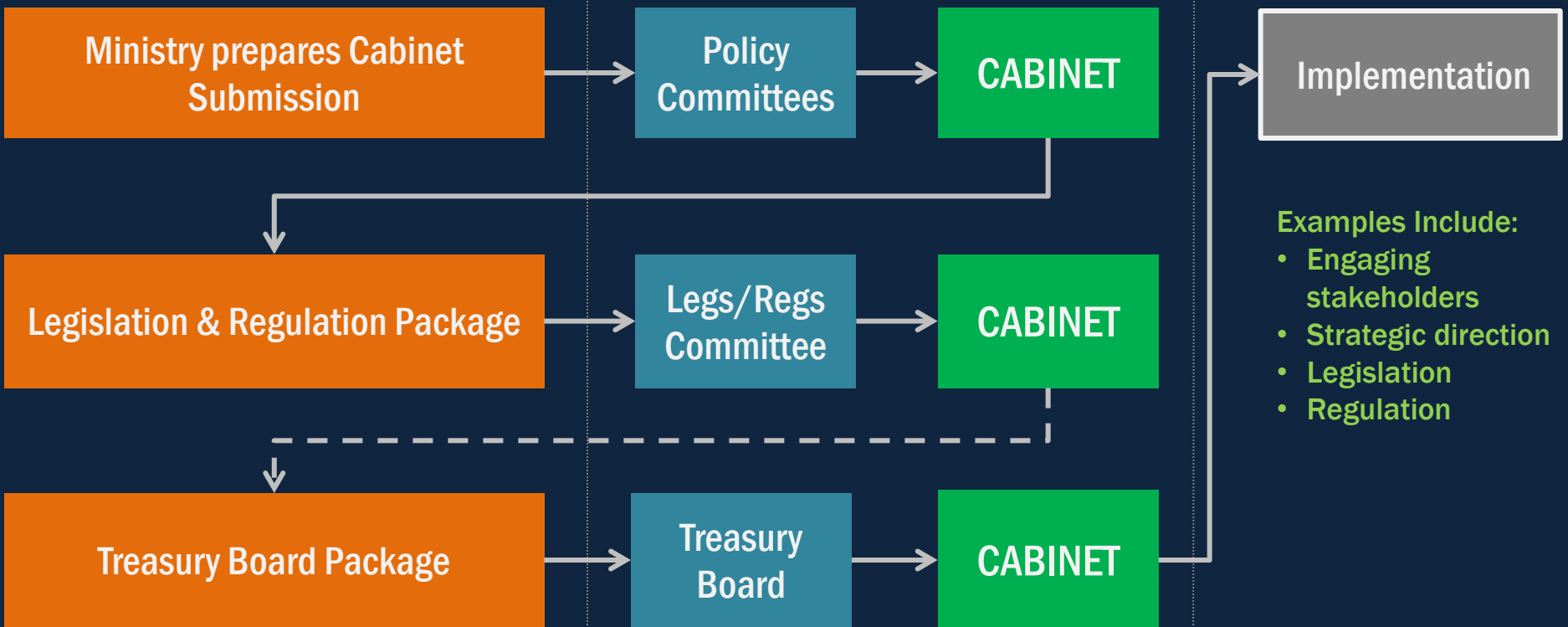
Examples Include:
- Engaging stakeholders
- Strategic direction
- Legislation
- Regulation

Policy Development/Significant Policy Change

Policy Review & Policy/Implementation Approvals

Policy Implementation

Legislative Process: Government Bills

EXECUTIVE BRANCH

Final Cabinet Approval

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LEGISLATIVE BRANCH

① Introduce — Ministry works with Government House Leader's Office and Legislative Counsel to arrange introduction in the Legislative Assembly

② Approve in the House — Bill Introduced, given first and second reading, review by committee, then third and final reading. Normally takes a few weeks to over a year, depending on house priorities
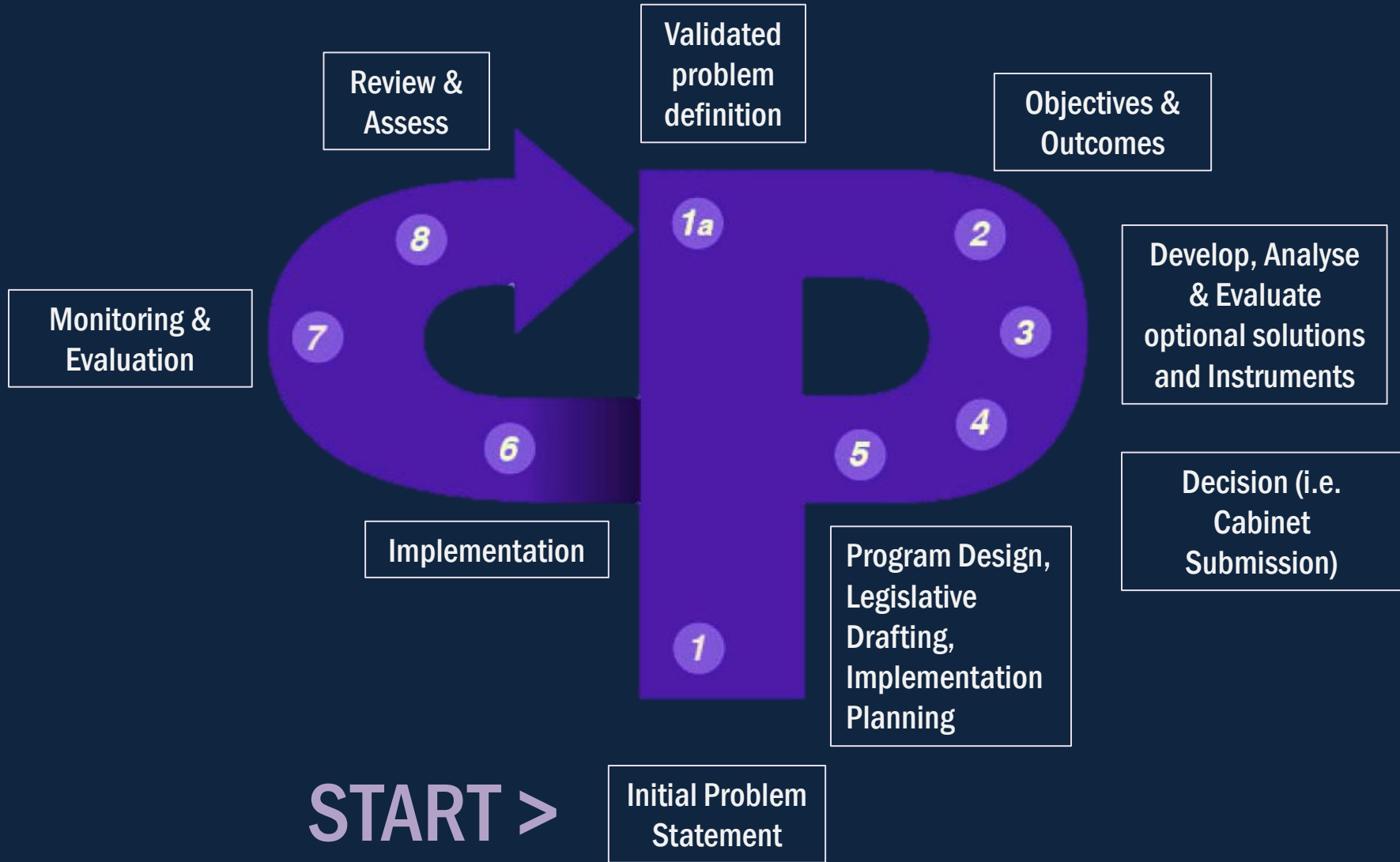
③ Royal Assent — Government House Leader's Office arranges an appointment with the Lieutenant Governor for Royal Assent

④ Publish on E-Laws — Statute is published on e-laws within two working days (legal requirement)

Policy & Delivery Roadmap

Review & Assess

Validated problem definition

Objectives & Outcomes

Monitoring & Evaluation

Develop, Analyse & Evaluate optional solutions and Instruments

Implementation

Decision (i.e. Cabinet Submission)

Program Design, Legislative Drafting, Implementation Planning

START >

Initial Problem Statement

Building Blocks of Sound Policy Decision Making

Decision

Policy Analysis and Risks	Communication
Inter-Ministry Engagement	Stakeholder Management
Legal/Constitutional Analysis	Business/Sector Impact Analysis
Economic Impact Analysis + CBA	Impact on Government Operations
Financial Impact + Analysis	Legislative/Regulatory Plan
Alternative Options	Delivery + Implementation
Delivery Mechanism	Jurisdictional Scan
Background / Evidence	Context / Course of Action

Consultation

Crucial to policy development

- Brings stakeholder perspectives into policy development process
- Environmental Bill of Rights:
    - Public input into decisions on environmentally significant proposals
    - Environmental Registry allows public to view and comment on proposals
    - Ministry often engages/consults beyond Registry

Who?
- Often involves a wide range of participants, including special interest groups, Aboriginal peoples, the public at large, and other government agencies and ministries
- Can also involve other governments (federal, municipal, or other provinces)

When?
- Consultation can occur at various points during policy development process

How?
- Means of soliciting stakeholder input range from simple to complex , less formal to more formal, passive versus active, etc.
- All regulatory changes are posted on the Regulatory Registry for a minimum of 45 days for public review and comment
- Policy changes that have potential environmental implications are posted to the Environmental Registry for minimum of 30 days

Thank you.

. . . . Questions?