Policy Development in Ontario*

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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.
Policy Development in Ontario

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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

- Authorize annual government spending
- Debate public issues
- Represent political interest
- Ensure public accountability
- Refine & Pass Legislation
- Standing & Select Committees
Ontario Government Structure

Premier

Secretary of Cabinet
Cabinet Office

Deputy Ministers
Ontario Public Service

NON-PARTISAN

Cabinet Ministers

ELECTED OFFICIALS

Chief of Staff
Ministers’ Staff
Premier’s Office Staff

POLITICAL STAFF

Bill Mauro,
Minister of Natural Resources and Forestry

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Minister of Natural Resources and Forestry
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
- Committee on Poverty Reduction & Social Inclusion
- Legislation & Regulations Committee
- Committee on Emergency Management
- Committee on Northern Ontario
- Committee on Emergency Management
- Committee on Poverty Reduction & Social Inclusion
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

**Program & Operational Policy**
- Various individual policies and directives providing guidance to clients and staff
<table>
<thead>
<tr>
<th>Type</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legislation</td>
<td>Vote in the legislature</td>
</tr>
<tr>
<td>Regulation</td>
<td>Cabinet (most cases)</td>
</tr>
<tr>
<td>Program &amp; Operational Policy</td>
<td>Minister (in many cases)</td>
</tr>
</tbody>
</table>
Decision-Making Processes

**MINISTRY (Confidential)**

- Ministry prepares Cabinet Submission
- Legislation & Regulation Package
- Treasury Board Package

**CABINET (Confidential)**

- Policy Committees
- Legs/Regs Committee
- Treasury Board

**PUBLIC**

- Implementation

Examples Include:
- Engaging stakeholders
- Strategic direction
- Legislation
- Regulation

*Policy Development/Significant Policy Change*

*Policy Review & Policy/Implementation Approvals*

*Policy Implementation*
<table>
<thead>
<tr>
<th>Step</th>
<th>Action</th>
<th>Details</th>
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<tbody>
<tr>
<td>1</td>
<td>Introduce</td>
<td>Ministry works with Government House Leader’s Office and Legislative Counsel to arrange introduction in the Legislative Assembly.</td>
</tr>
<tr>
<td>2</td>
<td>Approve in the House</td>
<td>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.</td>
</tr>
<tr>
<td>3</td>
<td>Royal Assent</td>
<td>Government House Leader’s Office arranges an appointment with the Lieutenant Governor for Royal Assent.</td>
</tr>
<tr>
<td>4</td>
<td>Publish on E-Laws</td>
<td>Statute is published on e-laws within two working days (legal requirement).</td>
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Policy & Delivery Roadmap

1. Initial Problem Statement
   - Validated problem definition
   - Objectives & Outcomes
   - Develop, Analyse & Evaluate optional solutions and Instruments
   - Decision (i.e. Cabinet Submission)

2. Program Design, Legislative Drafting, Implementation Planning

3. Implementation

4. Monitoring & Evaluation

5. Review & Assess

6. Implementation

7. Monitoring & Evaluation

8. Review & Assess

START >
Building Blocks of Sound Policy Decision Making

- Policy Analysis and Risks
- Inter-Ministry Engagement
- Legal/Constitutional Analysis
- Economic Impact Analysis + CBA
- Financial Impact + Analysis
- Alternative Options
- Delivery Mechanism
- Background

- Communication
- Stakeholder Management
- Business/Sector Impact Analysis
- Impact on Government Operations
- Legislative/Regulatory Plan
- Delivery + Implementation
- Jurisdictional Scan
- 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?