

FW: Establishment of Independent Pension Asset Expert Panel

From: "Laughton, Patrick (TBS)" <patrick.laughton@ontario.ca>
To: "Veinot, Cindy (TBS)" <cindy.veinot@ontario.ca>, "Petsche, Nadine (TBS)" <nadine.petsche@ontario.ca>
Cc: "Hosick, Sarah (TBS)" <sarah.hosick@ontario.ca>, "Stuckless, Sharon (TBS)" <sharon.stuckless@ontario.ca>, "Provis, Ian (TBS)" <ian.provis@ontario.ca>
Date: Mon, 17 Oct 2016 12:17:41 -0400
Attachments: Pension Asset Expert Advisory Panel_Remuneration OIC 20161006.doc.docx (52.61 kB); Pension Asset Expert Advisory Panel_MN Order 20161005.doc (41.98 kB)

Hi Cindy/Nadine –

As referenced by Karen, here is the note from legal outlining the pieces required for the business case. Sharon Stuckless cc'd is available to support this work (her unit brings these types of items to TB/MBC and expertise) as well as Paul Korn in legal (who provided the attached draft Order In Council and Minister's Order). This was on folks radars last week but do not have a great sense of what's been accomplished thus far. I would think that much of the content could be pulled from the previous business case that was developed previously with the addition of items 1,2 and 4 below (drafts of 1 and 4 are attached).

P.

These are the instruments that would be required under the Agencies and Appointments Directive re: an advisory short-term body. TBS has the authority to establish such a body under the *Ministry of Government Services Act* (see section 6.1 below).

1. Constituting instrument (Minister's order)
2. Terms of reference
3. Appointments (Minister's letters)
4. Remuneration OIC.

Items 1, 2 and 4 would have to come back to TB/MBC, and item 4 would go on to Cabinet and the LG. Item 2 would have to go through PAS. I can help with these matters, but would need to work directly with whomever is working on this in OTB. It would also make sense for you to loop in Corporate Services Division if there is to be another body reporting to TBS.

Thanks,
PGK

Advisory committees

[6.1 \(1\)](#) The Lieutenant Governor in Council or the Minister may,

- (a) establish advisory committees to advise the Minister on the exercise of his or her powers and the performance of his or her duties, functions and responsibilities;
- (b) appoint the members of the committees, and designate one member as chair and one or more members as vice-chair; and
- (c) determine the terms of reference of the committees.

Remuneration and expenses

(2) The Lieutenant Governor in Council may determine the remuneration and expenses of persons appointed under clause (1) (b). 2011, c. 9, Sched.

From: Korn, Paul (TBS)
Sent: October-06-16 4:51 PM
To: Laughton, Patrick (TBS)
Cc: MacKinnon, Lorrie (TBS); Hatzis, Len (TBS); Kaufman, Paul (TBS); Kearney, Sean (TBS); Smook, Nick (TBS); Provis, Ian (TBS)
Subject: RE: Establishment of Independent Pension Asset Expert Panel

Patrick, you can also start working with this remuneration OIC. As you may know, OICs now have to be bilingual. Once we have the figures finalized, I will be asking OTB to arrange for translation through Communications, and pay for it.

Thanks,
PGK

From: Laughton, Patrick (TBS)
Sent: October 5, 2016 5:40 PM
To: Korn, Paul (TBS)
Cc: MacKinnon, Lorrie (TBS); Hatzis, Len (TBS); Kaufman, Paul (TBS); Kearney, Sean (TBS); Smook, Nick (TBS); Provis, Ian (TBS)
Subject: RE: Establishment of Independent Pension Asset Expert Panel

Thanks, Paul.

I can change the date back and work off of what you shared initially (attached). I will populate for the # of members once I have an opportunity to discuss with others.

From: Korn, Paul (TBS)
Sent: October-05-16 5:06 PM
To: Laughton, Patrick (TBS)
Cc: MacKinnon, Lorrie (TBS); Hatzis, Len (TBS); Kaufman, Paul (TBS); Kearney, Sean (TBS); Smook, Nick (TBS); Provis, Ian (TBS)
Subject: RE: Establishment of Independent Pension Asset Expert Panel

OK – I can change the date in the Minister’s order to December 31, 2016 (though frankly I think that’s pretty tight and might have to be extended). We need to settle on a final name for the panel in all of the instruments. I don’t think that “Independent” really adds anything. What does that suggest – that the myriad other advisory panels aren’t “Independent”? And I need a maximum number of members.

Thanks,
PGK

From: Laughton, Patrick (TBS)
Sent: October 5, 2016 4:57 PM
To: Korn, Paul (TBS)
Cc: MacKinnon, Lorrie (TBS); Hatzis, Len (TBS); Kaufman, Paul (TBS); Kearney, Sean (TBS); Smook, Nick (TBS); Provis, Ian (TBS)
Subject: RE: Establishment of Independent Pension Asset Expert Panel

Thanks, Paul.

I should have mentioned that we are amending that from OIC to Minister’s Order. We attempted to change

before the meeting but were timed out.

I appreciate your explanation below regarding establishment and messaging.

P.

From: Korn, Paul (TBS)
Sent: October-05-16 4:45 PM
To: Laughton, Patrick (TBS)
Cc: MacKinnon, Lorrie (TBS); Hatzis, Len (TBS); Kaufman, Paul (TBS); Kearney, Sean (TBS); Smook, Nick (TBS); Provis, Ian (TBS)
Subject: RE: Establishment of Independent Pension Asset Expert Panel
Sensitivity: Confidential

Patrick, the minute refers to an Order in Council, not a Minister's Order, so I guess I would convert my draft into an OIC. And yes, the constituting OIC instrument would have to go back to the Board as part of the package. There would be some work to do in terms of making the OIC and the TOR consistent with each other as well.

Basically, the panel was not established today. It will be established only when the OIC is signed and people are appointed to it. Therefore, if the Minister wants to say something in advance, she would have to say "The government intends to establish..." I don't really see any point in any further announcements until everything is lined up, but that is not a legal matter. Even "the government has approved the establishment..." is risky because the OIC has to go to the LG for signature and so it is not formally approved until then.

I hadn't seen the minute and wouldn't have given you a draft Minister's Order if I had seen it. The OIC will have virtually identical content though.

PGK

From: Laughton, Patrick (TBS)
Sent: October 5, 2016 4:28 PM
To: Korn, Paul (TBS)
Cc: MacKinnon, Lorrie (TBS); Hatzis, Len (TBS); Kaufman, Paul (TBS); Kearney, Sean (TBS); Smook, Nick (TBS); Provis, Ian (TBS)
Subject: RE: Establishment of Independent Pension Asset Expert Panel
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Thanks, Paul . This is very helpful and it's been shared with those working on the file.

At present, our primary focus for the business case we are currently working on is not announcing the explicit details of the panel (membership remuneration etc), but on its general establishment which was approved at the Board today. What I need to know is whether we need to include the constituting instrument in this package. Note that we do not have information on remuneration/panel size etc. at this time and that those pieces would come back to the Board as directed in the minute.

For your reference I have attached the draft NR, the TB/MBC note (minute included) as well as the ToR – the last two pieces were what went to the Board.

Thank you.

P.

From: Korn, Paul (TBS)

Sent: October-05-16 3:49 PM
To: Laughton, Patrick (TBS)
Cc: MacKinnon, Lorrie (TBS); Hatzis, Len (TBS); Kaufman, Paul (TBS); Kearney, Sean (TBS); Smook, Nick (TBS)
Subject: RE: Establishment of Independent Pension Asset Expert Panel
Sensitivity: Confidential

Well, here's a draft Minister's order to get you started...
PGK

From: Korn, Paul (TBS)
Sent: October 5, 2016 1:59 PM
To: Laughton, Patrick (TBS)
Cc: MacKinnon, Lorrie (TBS); Hatzis, Len (TBS); Kaufman, Paul (TBS); Kearney, Sean (TBS); Smook, Nick (TBS)
Subject: Establishment of Independent Pension Asset Expert Panel
Sensitivity: Confidential

Patrick, I understand that the Minister wants to announce something about a panel tomorrow. These are the instruments that would be required under the Agencies and Appointments Directive re: an advisory short-term body. TBS has the authority to establish such a body under the *Ministry of Government Services Act* (see section 6.1 below).

1. Constituting instrument (Minister's order)
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