

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*,
R.S.C. 1985, c. C-36, AS AMENDED

AND IN THE MATTER OF A PLAN OF COMPROMISE OR
ARRANGEMENT OF **LAURENTIAN UNIVERSITY OF SUDBURY**

**RESPONDING RECORD OF THE
SPEAKER OF THE LEGISLATIVE ASSEMBLY OF ONTARIO**

December 23, 2021

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Court File No. CV-21-00656040-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*,
R.S.C. 1985, c. C-36, AS AMENDED

AND IN THE MATTER OF A PLAN OF COMPROMISE OR
ARRANGEMENT OF **LAURENTIAN UNIVERSITY OF SUDBURY**

AFFIDAVIT OF DOREEN NAVARRO
(affirmed December 23, 2021)

I, Doreen Navarro, of the City of Ottawa, in the Province of Ontario, **SOLEMNLY**

AFFIRM AND SAY AS FOLLOWS:

1. I am a law clerk at Conway Baxter Wilson LLP/s.r.l., lawyers for the responding party Speaker of the Legislative Assembly of Ontario ("the Assembly"). As such, I have knowledge of the matters hereinafter deposed to, save where I have obtained information from others. Where I do not possess personal knowledge, I have stated the source of my information and belief and, in all such cases, believe such information to be true.

2. On April 9, 2021, CBC News published an online article titled "Laurentian University cuts 100 professors, dozens of programs". I attach a true copy of this April 9, 2021 CBC News article as **Exhibit "A"** to my affidavit.

3. At the Standing Committee on Public Accounts' ("PAC") April 28, 2021 meeting, PAC adopted France G  linas' (the Member for Nickel Belt) motion to request that the Auditor General of Ontario ("Auditor General") conduct a "value-for-money" audit on Laurentian

University's operations from 2010-2020. A true copy of the relevant portion of the transcript of proceedings at PAC on April 28, 2021 is attached to my affidavit as **Exhibit "B"**.

4. The Assembly rose for its summer recess on June 14, 2021, and was scheduled to return on September 13, 2021. A copy of the 2021 parliamentary calendar is attached to my affidavit as **Exhibit "C"**.

5. The First Session of the Forty-Second Parliament was prorogued by the Lieutenant-Governor on September 12, 2021. As such, PAC was unable to meet until after the Opening of the Second Session of the Forty-Second Parliament, on October 4, 2021. A true copy of Order-in-Council 1237/2021, and its annexed Proclamation (proroguing Parliament), is attached to my affidavit as **Exhibit "D"**. A true copy of Order-in-Council 1303/2021, and its annexed Proclamation (reconvening Parliament), is attached to my affidavit as **Exhibit "E"**.

6. PAC's first meeting of the Second Session of the Forty-Second Parliament took place on October 6, 2021. A true copy of a list of the public transcripts of PAC's meetings (up to December 8, 2021) is attached to my affidavit as **Exhibit "F"**.

7. On December 8, 2021, PAC met to consider requesting Speakers' Warrants to command and compel Laurentian to produce the documents requested on October 15, and 22, 2021. To this end, the Government House Leader and the Acting Opposition House Leader appeared before PAC. A true copy of the transcript of proceedings at PAC on December 8, 2021 is attached to my affidavit as **Exhibit "G"**.

8. At its December 8, 2021 meeting, PAC approved a Report recommending that the House authorize the Speaker to issue his Warrants commanding and compelling Laurentian, via its

President and its Chair of the Board of Governors, to produce certain documents to PAC by February 1, 2021. A true copy of PAC's December 8, 2021 report is attached to my affidavit as **Exhibit "H"**.

9. On December 9, 2021, Richard Dearden, counsel for the Auditor General, wrote to the Chair of PAC to clarify the status of the application before the Court in Toronto File CV-21-00669471-00CL in relation to the Speakers' Warrants requested by PAC on December 8, 2021. A true copy of Mr. Dearden's letter to the Chair of PAC is attached to my affidavit as **Exhibit "I"**.

10. At the conclusion of its December 9, 2021 sitting, the House adjourned to February 22, 2022. A true copy of the 2022 parliamentary calendar is attached to my affidavit as **Exhibit “J”**.

11. During the week of December 13, 2021, Claude Lacroix resigned as Chair of Laurentian's Board of Governors. I attach a true copy of a December 17, 2021 CBC News article titled "Former Laurentian University board chair and vice-chair among 11 resignations" as **Exhibit "K"** to my affidavit.

12. The Auditor General has also published, on their website, a summary of the office of the Auditor General's history, a true copy of which I attach to my affidavit as **Exhibit "L"**.

AFFIRMED before me via videoconference by)
on this 23rd day of December, 2021, in accordance)
with O. Reg. 431/20, *Administering Oath or*)
Declaration Remotely. The Commissioner was in,)
Ottawa, Ontario and the affiant was in Whitby,)
Ontario)


Commissioner for taking Affidavits

$$\begin{array}{c}) \\) \\) \\) \\) \\) \\) \\) \\) \end{array}$$

Doreen Navarro
DOREEN NAVARRO

IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*, R.S.C. 1985, c.
C-36, AS AMENDED

Court File No. CV-21-00656040-00CL

AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF
LAURENTIAN UNIVERSITY OF SUDBURY

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

Proceeding commenced at TORONTO

**AFFIDAVIT OF DOREEN NAVARRO,
AFFIRMED DECEMBER 23, 2021**

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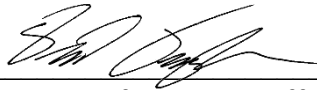
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Lawyers for The Speaker of the Legislative
Assembly of Ontario

This is **Exhibit “A”**
to the affidavit of
Doreen Navarro
Affirmed before me
by video teleconference this
23rd day of December, 2021



A Commissioner for Taking Affidavits

David P. Taylor
LSO 63508Q

Sudbury

Laurentian University cuts 100 professors, dozens of programs

Sudbury, Ont., school to issue details of tentative agreements later this week as it moves through insolvency

CBC News · Posted: Apr 09, 2021 5:48 PM ET | Last Updated: April 12



Laurentian University officials say the target date for completion of the key components of its financial

restructuring plan is April 30. More information is available at laurentianu.info. (Radio-Canada)

[comments](#) 

The pace of change at Laurentian University, which is [in the midst of insolvency negotiations](#), is speeding up as termination notices for faculty and staff at the Sudbury, Ont., school started to roll out Monday morning.

A total of 100 Laurentian University professors were dismissed during meetings organized by the human resources department.

[The latest news from Laurentian administration](#) said 58 undergraduate programs will be closed (107 will remain open) and 11 graduate programs will be shut (33 to remain open).

- [See the full list of cancelled programs](#)

The layoffs among teaching staff will officially take effect on May 15.

'I held out hope'

One of those is Nadia Verelli, a political science professor.

"We were all told that we would be laid off and that they would follow up with a letter [and] I did receive a termination letter," she told CBC News. A total of seven people work in the department. ”

“While I expected it, it was still devastating for the news to come in this morning for me.”

- Nadia Verelli, among professors given losing Laurentian University jobs

"We had a suspicion when we received notice Laurentian was going through this CCAA process, but I held out hope that my position was safe. While I expected it, it was still devastating for the news to come in this morning for me."

The Companies' Creditors Arrangement Act allows for creditor protection, so financially troubled organizations can remain in operation while restructuring. Laurentian says it plans to reduce costs by paring down the number of programs it offers and trimming faculty positions.

Verelli has worked at the university for roughly seven years.

"The students here are great," she said. "I loved every day that I've been here. It makes it so much more difficult because I truly enjoyed being at Laurentian.

"Students have been reaching out to me. So it makes it harder for sure."

- **AUDIO** [Laurentian faculty face tough, tight decisions around retirement and pensions](#)
- **AUDIO** [Laurentian prof says retirement his best option as colleagues stressed 'like crazy' amid restructuring](#)

Laurentian officials say they anticipate roughly 10 per cent of undergraduate students (excluding those studying at the federated universities) will be affected in some way by these program adjustments.

"We further anticipate that 44 graduate students will be impacted by program closures," they said in a release.

"For most students, particularly if they are close to completion, this will mean they will be able to complete their degree making use of all or parts of the

modules in terminated programs, either through course substitutions at Laurentian or through letters of permission. No new students will be admitted to these programs. For a small number of students, Laurentian will assist them in transitioning to a related program or another institution."

Verelli said she's unsure about what the future holds beyond "surviving today."

"It's something that my partner and I will have to sit down and figure out," she said.

"I imagine I'm not the only one in this position, but if I decide to stay in academia, it would require me leaving Sudbury because there are no other universities in Sudbury."



Gyllian Phillips, past president of the Ontario Confederation of University Faculty Associations, says asking Laurentian faculty and staff to vote on tentative agreements a day after learning whether they'll have jobs under the restructuring plan creates a highly charged environment. (Benjamin Aubé/CBC)

'Voting under duress'

The unions for faculty and staff are expected to ask members to vote on their respective tentative agreements on Tuesday.

Details of the job losses, and program cuts and reorganizations as well as contract negotiations have been kept strictly confidential under the court-mediated restructuring process.

Gyllian Phillips, past president of the Ontario Confederation of University Faculty Associations (OCUFA), said the university's administration made a "tragic choice" by going through the CCAA process after declaring insolvency Feb. 1.

“It's a failure of government in the long term to provide stable public funding for post-secondary institutions, especially those in the North, who face some extra challenges. But also it's a failure in the short term.”

- Gyllian Phillips, past president of OCUFA

"It's a failure of government in the long term to provide stable public funding for post-secondary institutions, especially those in the North, who face some extra challenges. But also it's a failure in the short term."

Phillips said the CCAA process was never intended to be used by a public-sector institution, so it's hard to say whether it is unfolding as it should.

But she said the high degree of secrecy precludes the general public from weighing in what they would like to see happen to an institution grounded in the community.

- [LUFA says termination notices at Laurentian University go out Monday, April 12](#)
- **AUDIO** [Laurentian University to acquire Huntington's gerontology program](#)

She said asking faculty and staff members to vote on tentative agreements a day after learning whether they'll have jobs under the restructuring plan creates a highly charged environment. Add to that a deadline of April 30, as cited by [Laurentian' president Robert Hache in letter on the university's website](#), to have the labour agreements in place so restructuring can continue seems unreasonable, said Phillips

"The people are being asked to vote on something without actually knowing what the consequences would be if they voted against it, and to me, when so much is on the line, it sounds a lot like voting under duress."

Deteriorating mental health

Tom Fenske, president of Laurentian University's Staff Union, said his members have been fearful since negotiations began.

"I know that many members are worried. Their mental health has already deteriorated because of COVID-19, and our latest announcement of the stay-at-home order [that began Thursday] combined with not knowing what's coming is really taking a hard toll on our members."

Fenske said it's been a challenge not being able to communicate with the 268 members of his union, which represents non-faculty positions, including lab technicians, managers and workers in the physical plant.

- [**Laurentian University senators mull over plan for big changes at school**](#)
- [**Laurentian University remains silent on the future of its programs**](#)

"You see people, you try to go for a walk in your neighbourhood, you see them and you don't know what to say to them because you have been told that you'll get in significant trouble if you do," he said.

Fenske said the confidentiality order comes from the Chief Justice of Ontario, with warnings of fines or jail time for breaching that directive.

There's also the issue of dealing with "aggressive conversations" daily as part of the CCAA process, he said.

"The insolvency lawyers, these are people that don't respect that we are people. They look at us as dollars and cents. You know, I'm not Tom Fenske. I'm an FTE– full-time employee.

"That's what we've been reduced to."

[**List of discontinued English language programmes**](#)

- Actuarial Science
- Anthropology
- Archaeology
- BA 4 years Concurrent education (Primary-Junior)
- BSc 4 years Concurrent education (Primary-Junior)
- BFA – Music

- BFA - Music Performance
- Biomedical Physics
- Civil Engineering (first 2 years)
- Concurrent Education - Pro year (Primary-Junior)
- Ecology
- Entrepreneurship
- Environmental Geoscience
- Environmental Science
- Environmental Studies
- Geography
- International Management
- Italian
- Labour Studies
- Major Restoration Ecology
- Mathematics
- Midwifery
- Modern Languages
- Music
- Music Studies
- Operations
- Philosophy
- Physics
- Political Science
- Radiation Therapy - Michener
- Restoration Biology
- Spanish
- Web Data Management
- Workplace and Labour Studies

List of discontinued French language programmes

- Droit et politique
- Éducation – intermédiaire/supérieur

- Études de l'environnement
- Études françaises
- Génie chimique
- Génie mécanique
- Génie minier
- Géographie
- Histoire
- Littérature et culture francophone
- Marketing (FR)
- Mathématiques
- Nursing – Boreal
- Outdoor Adventure Leadership (FR)
- Philosophie
- Planification financière
- Promotion de la santé
- Ressources humaines
- Sage femme
- Science du langage
- Science économique
- Science politique
- Théâtre
- Zoologie

List of discontinued graduate programmes

- Maîtrise - Histoire – essai
- Maîtrise - Histoire – thèse
- Maîtrise - Sociologie – essai
- Maîtrise - Sociologie – thèse
- Masters - Experimental Psychology
- Masters - History – essay
- Masters - History – Thesis
- Masters – Humanities
- Masters – Physics

- Masters - Sociology - essay
- Masters - Sociology – thesis

**Morning North 10:42**

More than 60 programs will be cut in Laurentian University restructuring plan

Stress is at the boiling point for faculty and staff members at Laurentian University as the institution prepares to send out termination notices today as a part of its restructuring plan. Radio-Canada has learned that over 60 programs are being cut. We spoke about the situation with Gyllian Phillips, past president of the Ontario Confederation of University Faculty Associations. 10:42

**Morning North 4:22**

Lots of anxiety at Laurentian University as staff and faculty brace for termination notices

Today's the day... Termination notices will be going out to faculty and staff at Laurentian University. The tension has been mounting for weeks. We heard from some people about how it's affecting them. 4:22

With files from Kate Rutherford and Radio-Canada

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Visitez [Radio-Canada.ca](https://www.radio-canada.ca)

This is **Exhibit “B”**
to the affidavit of
Doreen Navarro
Affirmed before me
by video teleconference this
23rd day of December, 2021



A Commissioner for Taking Affidavits

David P. Taylor
LSO 63508Q

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

**Official Report
of Debates
(Hansard)**

P-32

**Journal
des débats
(Hansard)**

P-32

**Standing Committee on
Public Accounts**

Committee business

**Comité permanent des
comptes publics**

Travaux du comité

1st Session
42nd Parliament

Wednesday 28 April 2021

1^{re} session
42^e législature

Mercredi 28 Avril 2021

Chair: Taras Natyshak
Clerk: Christopher Tyrell

Président : Taras Natyshak
Greffier : Christopher Tyrell

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Wednesday 28 April 2021

Committee businessP-507

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
PUBLIC ACCOUNTSCOMITÉ PERMANENT DES
COMPTES PUBLICS

Wednesday 28 April 2021

Mercredi 28 Avril 2021

The committee met at 1230 in room 151 and by video conference, following a closed session.

COMMITTEE BUSINESS

The Chair (Mr. Taras Natyshak): Welcome back, members of the public accounts committee. As you know, we have a motion on the table. We're going to debate the motion right now filed by Madame France Gélinas, MPP, that the Standing Committee on Public Accounts request that the Auditor General conduct a value-for-money audit on the impact of changes to post-secondary education funding on Laurentian University's operations from the period of 2010 to 2020.

Madame Gélinas, can you move the motion?

M^{me} France Gélinas: I move that the Standing Committee on Public Accounts request that the Auditor General conduct a value-for-money audit on the impact of changes to post-secondary education funding on Laurentian University's operations from the period of 2010 to 2020.

The Chair (Mr. Taras Natyshak): Thanks very much.

Can I also take attendance here? I see that MPP Jamie West is here. Can you tell us who you are and where you're at?

Mr. Jamie West: I'm MPP Jamie West. I'm in my office, probably right above you.

The Chair (Mr. Taras Natyshak): Thank you very much.

MPP Martin, can you tell us where you're at and who you are?

Mrs. Robin Martin: It's MPP Robin Martin. I'm at Queen's Park, in Toronto.

The Chair (Mr. Taras Natyshak): We have a motion on the table, and we'll open the floor to discussion and debate. Madame Gélinas?

M^{me} France Gélinas: Just so that everybody knows, Laurentian University in Sudbury is going through what is called a CCAA process—that's the Companies' Creditors Arrangement Act. This is an act to protect yourself from your creditors. They went into this process in order to pay their creditors. The problem is that many people in Sudbury, Nickel Belt and the northeast are very suspicious of the CCAA process, because all of the decisions are made behind closed doors. That means that most financial documents are not available publicly.

Many people in Sudbury and around are asking for a forensic audit to be done to see what happened at Laurentian. I'm told that KPMG has done a forensic audit for the courts, but those documents are not available to the public; yet they form the basis of decisions made by the CCAA that are, frankly, devastating to our community and really hard to understand. As an example, the midwifery program is paid for by the Ministry of Health, not by the Ministry of Colleges and Universities. It is 100% funded, yet it got cut.

I know that the Auditor General has the power to look at universities, so I would request that her office conduct a value-for-money audit on the impact of the funding to Laurentian University's operations from 2010 to 2020, but also to look—because there are many people who suspect that there has been wrongdoing that led to this, and others basically would just like to know what are the lessons learned from the audit of the financial decisions that were made by Laurentian University.

So I would say that I and many members of my community are just looking for an independent audit that will be public so that people can have their questions answered. Right now, no financial documents are available to the public. With the auditor going in and telling us, basically, whatever she's allowed to share with us, it will calm down a lot of anger, a lot of questions, a lot of anxiety in my community and help to move things forward. And frankly, this is the first public institution, the first university to ever use the CCAA process, so there are probably lessons to be learned financially from this, and this is certainly something that the auditor would be, I'm sure, welcome to comment on.

The Chair (Mr. Taras Natyshak): Mr. Parsa?

Mr. Michael Parsa: I support the intent of this motion, and I do thank my colleague for bringing it forward for the reasons that she mentioned.

The only thing I would like to suggest to my colleagues is that we don't limit this, that we expand the scope of the study. The government funding of Laurentian is about 35% to 40% of the annual revenue. The other portions are tuition and research and funding, private fundraisers, other fees etc. I'd like to see it expanded so that we have a broader scope to truly understand and get the picture of the situation.

I have a short amendment I'd like to propose, if we can discuss it now, Chair. If not, let me know when, please.

The Chair (Mr. Taras Natyshak): You can discuss it now. Go ahead.

Mr. Michael Parsa: It would just be, again, the same motion that Madame G  linas has moved but removing where it says “the impact of changes to post-secondary education funding on”. Once you remove that, that would leave a broad scope for us to be able to cover.

Let me know if you’d like for me to move it, but I think it’s pretty self-explanatory: “the impact of changes to post-secondary education funding on” is to be removed.

M^{me} France G  linas: I would consider this a friendly amendment.

The Chair (Mr. Taras Natyshak): Thanks, Mr. Parsa. MPP West.

Mr. Jamie West: Chair, did you want me to speak on the motion or on the amendment? I just want to know if I’m in order.

The Chair (Mr. Taras Natyshak): You can speak on anything you like, but we have an amendment of the motion on the floor.

Mr. Jamie West: Okay. I’m in favour of the amendment.

I just want to bring some context to the struggles that are happening in Sudbury. I’m the MPP for Sudbury, and Laurentian is located in Sudbury. We were surprised. We had no idea. We knew there were financial problems last summer, in June and July, on a much smaller scale. I believe the Minister of Colleges and Universities knew about six months before they entered the CCAA creditor protection in more detail. But aside from that, the entire community has been shut out from the whole process and does not know what’s going on in the process. They’ve entered in this secretive CCAA creditor agreement that has isolated everyone around.

The feeling in the community is that, if you compare the scenario to the province’s requirement for some of the funding, and the board of governance at Laurentian, who is responsible for fiscal responsibility—they’ve driven the Jeep into the ditch. The workers and the students seem to have been kicked out of the back seat of the Jeep, and now, they’ll drive out of the ditch. We have no answers about how we got into the ditch or how we’ll be safe and not go into the ditch in the future, if I can use that analogy.

The first round of CCAA cuts has created a loss of over 100 jobs. We have lost programs. This is the part that doesn’t make sense for a lot of people. How do we recover and get back on our feet when we cancel programs like economics, math, physics, political science, philosophy, engineering, environmental science and midwifery? Some of those courses are just regular courses that are well-attended.

Midwifery: As MPP G  linas said earlier, there are only six of these in Canada. This is the only one in northern Ontario; the other two in Ontario are in Toronto or Ottawa—which makes a massive burden for northern students, especially those coming from farther north than Sudbury, with those expenses of travelling and staying in another city, which make it unreachable for a lot of people. Laurentian really is a university where the majority of

students who are there are the first in their families, with limited means, to go. It is the only French midwifery program outside of Quebec. It is the only bilingual program in Canada. All that is going to be a loss.

Our physics program: I don’t understand how physics and math can be cancelled at all. SNOLAB is connected with Laurentian University. It is the only clean neutrino observatory, I think, in North America; it’s one of three around the world. Dr. McDonald at SNOLAB won a Nobel Prize in physics. He has described this as Sudbury being intellectually and educationally cut off from attracting other students.

Sudbury is the mining capital of the world. We have more than 100 years of nickel mining. The next evolution of vehicle development—we had the Ford Model T, we had the Detroit wave in the 1950s, and the electric vehicle will be the next wave. Mining is the cornerstone to this. We’ve lost mining engineering at Laurentian University.

We have an Indigenous studies program. It is the oldest in Ontario, the second-oldest in Canada; the other one being in British Columbia. It has been stripped of its core mandates. The professors, who are Indigenous, who developed this over decades, have all been fired. It is now going to be taught by non-Indigenous professors. It has basically gone up on a job board for chemistry teachers and anyone else to apply for. I don’t understand how students will be attracted to a program to teach about truth and reconciliation, to teach about colonialism in a program that basically is part of colonialism, where we’ve bypassed the Indigenous community.

1240

Environmental science: The reality is, the future is in the environment. You can slow it down, you can try whatever you want, but really, that’s where we’re going.

Electric vehicles are the way of the future. We’re moving there rapidly. We are poised in Ontario to be the next Detroit. I’ve heard this independently from car manufacturers who have told me that they can manufacture anywhere around the world. Ontario has a leading edge because of our deep mining resources, because of our manpower, our physical millwrights, labourers, trade school work and because of our higher education—because these machines are as much technology as they are machines. I’ll tell you, as a former employee of Vale, when the price of nickel and copper fell through the floor in 2016 and 2017, it was because of electric vehicles and the demand for cobalt that we were able to keep our doors open in northern Ontario, in mining companies for nickel. Cobalt, before this, was basically a waste product. So we are poised to make a ton of money by being the next Detroit of the future, and Laurentian is critical to holding that together.

One final thing on environmental science—and this goes into mining as well, and it’s difficult to understand. Tailings are a by-product of mining. Basically, it’s a waste mud. It’s toxic. It’s dangerous. It’s full of all these different chemicals. When you mine, it’s the by-product that has been set aside. There is a project happening right now by Dr. Nadia Mykityczuk. She’s a highly regarded

microbiologist in bioleaching and mine remediation. What happens is, you basically dump these tailings, a slurry paste, like very dirty water, and you build a dam; and you dump more and you build a dam; and the dam will be incredibly high. These are all around the world. In this water, as well as the waste product, are precious minerals that weren't able to be leached off or captured properly. Dr. Mykytczuk is working on a process that will lead the world in being able to clean the tailings ponds and recover those minerals, making mining companies even more profitable. This will be a project that, once successful, will be in demand around the world, and Ontario would lead. She has lost her job. This project is in danger of being lost.

I want to remind you again, we're talking about these cuts bringing in \$100 million of negative economic impact to my community. They're talking about that happening annually. On top of that, we've lost our tri-cultural-bilingual mandate, which doesn't seem to exist as strongly anymore.

They tell me that only 10% of students will be impacted, but that number is a little massaged, because the 10% who are impacted are those who have no path forward. Many students, including my son—his major and his minor program have been cancelled, so he's considered not impacted because now—he lost his major, he lost his minor. He can graduate with a general arts BA, but that's not what he enrolled in.

With all this in mind—and I can go on for a much longer time on all the damage of this—what will be the reputation of this university to attract students, to attract professors, to attract donors? And I'm talking about donors for scholarships and bursaries and donors who are going to commit money towards research.

With all of this being behind closed doors, hidden away from everybody, and without knowing what's going on there, how will people gain confidence in Laurentian without having a nice forensic audit to demonstrate what got us in this situation and how we can get out of it?

The Chair (Mr. Taras Natyshak): MPP Hogarth?

Ms. Christine Hogarth: First, I want to thank the MPP from Nickel Belt for bringing this forward.

I lived in Sudbury for many years. Most of my friends are alumni of Laurentian University. Their children go to school there. Some are employees.

I want to thank MPP Parsa for bringing forward this amendment, because it's larger than just the one piece. I think we need to get to the bottom of it, as a whole.

So again, I appreciate the motion coming forward, and I also thank MPP Parsa for bringing forward the amendment.

This really is impacting this community. I hear it every day, as my friends are caught in it, living in Sudbury. It is probably the most important conversation that's happening in that community right now. It affects employees, community members and the Laurentian alumni.

So I just want to say I certainly appreciate this motion and I support the amendment.

The Chair (Mr. Taras Natyshak): Are there any other questions? Mr. Barrett.

Mr. Toby Barrett: I just want to echo the sentiment of the comments so far during these deliberations.

What has happened at Laurentian University is deeply concerning. Personally, I wasn't aware of these developments. I don't know if it's a conflict of interest, but my son was a graduate of Laurentian. We're from the south, and my son spent many years up there. He really enjoyed the university. It opened up so much for my son and for our family to learn a bit more about the beautiful Sudbury area, Manitoulin, that whole neck of the woods up there.

Again, I didn't know about this, and that's understandable. Universities are autonomous. They have a board of governors. They make decisions around that boardroom table. We know, as France mentioned, it's now before the CCAA process, which—I guess that would freeze us out of any influence on that process. Obviously, it's like a court process.

I will mention that as far as government oversight, of course, we have a minister, Minister Romano, who is on top of this and monitoring this. Through Minister Romano—maybe not all members of the committee would know that a special adviser has been appointed. I understand the appointment of the special adviser requires an independent analysis. That special adviser is Mr. Harrison. Obviously, he has quite a reputable background.

To take this further with an Auditor General's investigation or a value-for-money audit—I would support that, not only to get to the bottom of this with respect to Laurentian, but is there other information out there on other universities that we don't know about? And why would we know about it? We don't sit on the board of governors. Do various student bodies know what's going on?

I mention students; that's what this is all about. They pay tuition.

I think of so many families, over the years with all of our universities and colleges, who donate money, and money that's donated through wills—the research that is done and the monetary support for research, say, from the mining industry, the forest industry. Guelph is where I went. The agricultural industry invests a great deal of money in these institutions.

If the public doesn't know what's going on, perhaps this value-for-money audit would give us some direction on how better to have more appropriate oversight.

The Chair (Mr. Taras Natyshak): Any other questions? MPP West.

Mr. Jamie West: I want to expand on MPP Barrett's comment about the donations. One of the things I didn't discuss was the fact that all the money ended up in one bank account, from my understanding. Money that was allocated to go towards research, money that was allocated to go towards scholarships and grants all ended up in one bank account being spent on any project. So students who were working on research found out that the money that they had a legal contract for to provide research had been taken away from them. That's something we need to look at. I want it put on the record for the auditors who might want to look at this.

As well, for any post-secondary educational institution, there are some donors who have very deep pockets, and we're very grateful to them for the success of the education system; but there are also, as MPP Barrett said, donors who leave money in their will, donors who can only afford a small donation and put it forward—who have been contacting my office, devastated that this money has been lost to them. They wanted it to go to a specific program or to support students who are in a specific situation—students coming from an agricultural background or a French background. They're devastated that their really small donations—a couple hundred dollars; maybe \$1,000—have been misused.

We really need to look at this in the situation at Laurentian and then, perhaps, once we get the report, see if this is happening in other areas, so we can prevent it from happening in other cities.

The Chair (Mr. Taras Natyshak): Are there any other questions? Madam Auditor, please go ahead.

Ms. Bonnie Lysyk: I have a question with respect to the 10-year period. What we sometimes find is, when it extends over that length of time, there is an issue with document retention, or people are gone and not there anymore. I just need to understand why the 10-year period was selected for the motion.

The Chair (Mr. Taras Natyshak): Madame Gélinas?

M^{me} France Gélinas: There is no scientific basis behind this.

A lot of people say, "Well, there have been quite a few new buildings at Laurentian that cost money to build." They are beautiful, they are being used, they are up to date and all of this, but they took years to build, and some people point to that—that the investment in infrastructure is what brought us to this point.

I would say I leave it up to your judgment, Auditor, to look back as far as—I put the 10 years because in the last 10 years is when most of the new infrastructure was built. If you want something that has to do with operation since the new infrastructure or something—or you can just take it from us that if you don't need to go back 10 years, don't. I just put it out there because as you start to look, you will see infrastructure investment.

Ms. Bonnie Lysyk: The motion can stay as the motion, and if this passes, once we look at this, we can determine

what a reasonable period is that will provide this information.

Financial information, usually, you can trend, and usually you can look at it and see what has happened over a 10-year period; it's not unreasonable from that perspective. It's more from, if there is something—it's how deep do you go in a period of time that's 10 years before.

If I could come back to the committee, if the motion passes and we go ahead on this, with a time frame once we take a look at what would be reasonable—I am saying that if the motion passes, we'll accept doing work on this. I just might have to come back to the committee in terms of a scope and a timeline in terms of what period of time we cover on Laurentian's operations.

The Chair (Mr. Taras Natyshak): Are committee members comfortable with that approach? Mr. Barrett?

Mr. Toby Barrett: Just to clarify with the Auditor General as far as the scope of the inquiry: I think we all agree that we want to ensure—I know we're doing an audit on what happened, but we also want to look forward and we want to ensure that something like this doesn't happen in another academic institution elsewhere.

Is this motion okay? It doesn't limit your scope as far as findings or recommendations that might help the public have a better university system, as far as looking after the books?

Ms. Bonnie Lysyk: No, that would be something—we can bring back recommendations. Sometimes, a retro look will allow for prospective recommendations. So the motion doesn't limit us.

The Chair (Mr. Taras Natyshak): Any further questions or comments?

We have an amended motion. Can we vote on the amendment?

All those in favour of the amendment of the motion, raise your hands. All those opposed? Seeing none, the motion is amended.

Now a vote on the motion, as amended. All those in favour of the motion, as amended? All those opposed? Carried.

Thank you very much, colleagues. We will now move on to the report-writing on the Office of the Chief Coroner and Ontario Forensic Pathology Service in closed session.

The committee continued in closed session at 1254.

STANDING COMMITTEE ON PUBLIC ACCOUNTS

Chair / Président

Mr. Taras Natyshak (Essex ND)

Vice-Chair / Vice-Présidente

M^{me} France Gélinas (Nickel Belt ND)

Mr. Deepak Anand (Mississauga–Malton PC)

Mr. Toby Barrett (Haldimand–Norfolk PC)

Ms. Jessica Bell (University–Rosedale ND)

Mr. Stephen Blais (Orléans L)

Mr. Stephen Crawford (Oakville PC)

Mr. Rudy Cuzzetto (Mississauga–Lakeshore PC)

M^{me} France Gélinas (Nickel Belt ND)

Ms. Christine Hogarth (Etobicoke–Lakeshore PC)

Mr. Daryl Kramp (Hastings–Lennox and Addington PC)

Mr. Taras Natyshak (Essex ND)

Mr. Michael Parsa (Aurora–Oak Ridges–Richmond Hill PC)

Substitutions / Membres remplaçants

Mr. Lorne Coe (Whitby PC)

Mrs. Robin Martin (Eglinton–Lawrence PC)

Ms. Sandy Shaw (Hamilton West–Ancaster–Dundas / Hamilton-Ouest–Ancaster–Dundas ND)

Mr. Jamie West (Sudbury ND)

Also taking part / Autres participants et participantes

Ms. Bonnie Lysyk, Auditor General

Clerk / Greffier

Mr. Christopher Tyrell

Staff / Personnel

Mr. Dmitry Granovsky, research officer,
Research Services

Ms. Erica Simmons, research officer,
Research Services

This is **Exhibit “C”**
to the affidavit of
Doreen Navarro
Affirmed before me
by video teleconference this
23rd day of December, 2021



A Commissioner for Taking Affidavits

David P. Taylor
LSO 63508Q

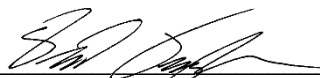
Parliamentary Calendar 2021

Calendrier parlementaire 2021

January/janvier							February/février							March/mars						
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31																				
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31																				

Dates on which the House may meet pursuant to the Standing Orders / Dates à prévoir pour l'Assemblée conformément au Règlement

This is **Exhibit “D”**
to the affidavit of
Doreen Navarro
Affirmed before me
by video teleconference this
23rd day of December, 2021



A Commissioner for Taking Affidavits

David P. Taylor
LSO 63508Q



Ontario

Order in Council
Décret

On the recommendation of the undersigned,
the Lieutenant Governor of Ontario, by and
with the advice and concurrence of the
Executive Council of Ontario, orders that:

Sur la recommandation de la personne
soussignée, la lieutenant-gouverneure de
l'Ontario, sur l'avis et avec le consentement du
Conseil exécutif de l'Ontario, décrète ce qui
suit:

A Proclamation be issued proroguing the First Session of the 42nd Parliament of the Province of
Ontario at 11:59 p.m. on Sunday, the 12th day of September, 2021.

Qu'une proclamation soit lancée pour proroger la première session de la 42^e législature de la
province de l'Ontario, à 23h59, le dimanche 12 Septembre 2021.

Recommended: Premier and President of the Council

Recommandé par: Le premier ministre et président du Conseil

Concurred: Chair of Cabinet

Appuyé par: Le président/la présidente du Conseil des ministres,

Approved and Ordered:

Approuvé et décrété le: SEP 08 2021

Lieutenant Governor
La lieutenant-gouverneure

1237 / 2021

O.C./Décret:



Edwards

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom, Canada and Her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.

ELIZABETH DEUX, par la grâce de Dieu, Reine du Royaume-Uni, du Canada et de ses autres royaumes et territoires, Chef du Commonwealth, Défenseur de la Foi.

PROCLAMATION

PROCLAMATION

The First Session of the 42nd Parliament of the Province of Ontario be prorogued at 11:59 p.m. on Sunday, the 12th day of September, 2021.

Que la première session de la 42^e Législature de la province de l'Ontario soit prorogée à 23h59, le dimanche 12 septembre 2021.

WITNESS:

THE HONOURABLE
V. ELIZABETH DOWDESWELL

LIEUTENANT GOVERNOR OF OUR
PROVINCE OF ONTARIO

GIVEN at Toronto, Ontario, on September 8,
2021.

BY COMMAND

TÉMOIN:

L'HONORABLE
V. ELIZABETH DOWDESWELL

LIEUTENANTE-GOUVERNEURE DE NOTRE
PROVINCE DE L'ONTARIO

FAIT à Toronto (Ontario) le 8 septembre 2021.

PAR ORDRE

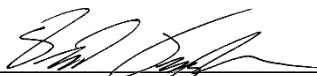
Minister of Government and Consumer
Services

ministre des Services gouvernementaux et des
Services aux consommateurs

The Attorney General of the Province of Ontario/pour le Procureur général de la province de l' Ontario

Don Downey

This is **Exhibit “E”**
to the affidavit of
Doreen Navarro
Affirmed before me
by video teleconference this
23rd day of December, 2021



A Commissioner for Taking Affidavits

David P. Taylor
LSO 63508Q



Ontario

**Order in Council
Décret**

On the recommendation of the undersigned,
the Lieutenant Governor of Ontario, by and
with the advice and concurrence of the
Executive Council of Ontario, orders that:

Sur la recommandation de la personne
soussignée, la lieutenant-gouverneure de
l'Ontario, sur l'avis et avec le consentement du
Conseil exécutif de l'Ontario, décrète ce qui
suit:

A Proclamation be issued convening the Second Session of the 42nd Parliament of the Province of Ontario for the actual dispatch of business at 9:00 a.m. on Monday, the 4th day of October, 2021.

Qu'une proclamation soit prise pour convoquer la deuxième session de la 42^e législature de la province de l'Ontario en vue d'expédier les affaires, à 9h00, le lundi 4 octobre 2021.

Recommended: Premier and President of the Council

Recommandé par: Le premier ministre et président du Conseil

Concurred: Chair of Cabinet

Appuyé par: Le président/la présidente du Conseil des ministres

Approved and Ordered:
Approuvé et décrété le: SEP 27 2021

Lieutenant Governor
La lieutenant-gouverneure



Ontario

Elizabeth Dowdeswell

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom, Canada and Her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.

ELIZABETH DEUX, par la grâce de Dieu, Reine du Royaume-Uni, du Canada et de ses autres royaumes et territoires, Chef du Commonwealth, Défenseur de la Foi.

PROCLAMATION

PROCLAMATION

The Second Session of the 42nd Parliament of the Province of Ontario be convened for the actual dispatch of business at 9:00 a.m. on Monday, the 4th day of October, 2021.

Que la deuxième session de la 42^e Législature de la province de l'Ontario soit convoquée en vue d'expédier les affaires à 9h00 le lundi 4 octobre 2021.

WITNESS:

TÉMOIN:

THE HONOURABLE
V. ELIZABETH DOWDESWELL

L'HONORABLE
V. ELIZABETH DOWDESWELL

LIEUTENANT GOVERNOR OF OUR
PROVINCE OF ONTARIO

LIEUTENANTE-GOUVERNEURE DE NOTRE
PROVINCE DE L'ONTARIO

GIVEN at Toronto, Ontario, on September
27, 2021.

FAIT à Toronto (Ontario) le 27 septembre 2021.

BY COMMAND

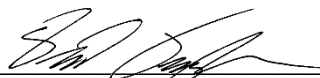
PAR ORDRE

Minister of Government and Consumer
Services

ministre des Services gouvernementaux et des
Services aux consommateurs

The Attorney General of the Province of Ontario/pour le Procureur général de la province de l' Ontario

This is **Exhibit “F”**
to the affidavit of
Doreen Navarro
Affirmed before me
by video teleconference this
23rd day of December, 2021



A Commissioner for Taking Affidavits

David P. Taylor
LSO 63508Q

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(www.ola.org)

Standing Committee on Public Accounts

Transcriptions

[Committee Transcript 2021-Dec-08 \(www.ola.org/en/legislative-business/committees/public-accounts/parliament-42/transcripts/committee-transcript-2021-dec-08\)](#)

[Committee Transcript 2021-Oct-27 \(www.ola.org/en/legislative-business/committees/public-accounts/parliament-42/transcripts/committee-transcript-2021-oct-27\)](#)

[Committee Transcript 2021-Oct-06 \(www.ola.org/en/legislative-business/committees/public-accounts/parliament-42/transcripts/committee-transcript-2021-oct-06\)](#)

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[Committee Transcript 2021-May-27 \(www.ola.org/en/legislative-business/committees/public-accounts/parliament-42/transcripts/committee-transcript-2021-may-27\)](#)

[Committee Transcript 2021-May-26 \(www.ola.org/en/legislative-business/committees/public-accounts/parliament-42/transcripts/committee-transcript-2021-may-26\)](#)

[Committee Transcript 2021-May-05 \(www.ola.org/en/legislative-business/committees/public-accounts/parliament-42/transcripts/committee-transcript-2021-may-05\)](#)

[Committee Transcript 2021-Apr-28 \(www.ola.org/en/legislative-business/committees/public-accounts/parliament-42/transcripts/committee-transcript-2021-apr-28\)](#)

[Committee Transcript 2021-Apr-21 \(www.ola.org/en/legislative-business/committees/public-accounts/parliament-42/transcripts/committee-transcript-2021-apr-21\)](#)

[Committee Transcript 2021-Apr-14 \(www.ola.org/en/legislative-business/committees/public-accounts/parliament-42/transcripts/committee-transcript-2021-apr-14\)](#)

[Committee Transcript 2021-Mar-31 \(www.ola.org/en/legislative-business/committees/public-accounts/parliament-42/transcripts/committee-transcript-2021-mar-31\)](#)

[Committee Transcript 2021-Mar-10 \(www.ola.org/en/legislative-business/committees/public-accounts/parliament-42/transcripts/committee-transcript-2021-mar-10\)](#)

[Committee Transcript 2021-Feb-17 \(www.ola.org/en/legislative-business/committees/public-accounts/parliament-42/transcripts/committee-transcript-2021-feb-17\)](#)

[Committee Transcript 2020-Dec-02 \(www.ola.org/en/legislative-business/committees/public-accounts/parliament-42/transcripts/committee-transcript-2020-dec-02\)](#)

[Committee Transcript 2020-Nov-04 \(www.ola.org/en/legislative-business/committees/public-accounts/parliament-42/transcripts/committee-transcript-2020-nov-04\)](#)

[Committee Transcript 2020-Oct-21 \(www.ola.org/en/legislative-business/committees/public-accounts/parliament-42/transcripts/committee-transcript-2020-oct-21\)](#)

[Committee Transcript 2020-Sept-23 \(www.ola.org/en/legislative-business/committees/public-accounts/parliament-42/transcripts/committee-transcript-2020-sept-23\)](#)

[Committee Transcript 2020-Mar-11 vol. Array \(www.ola.org/en/legislative-business/committees/public-accounts/parliament-42/transcripts/committee-transcript-2020-mar-11-vol-array\)](#)

[Committee Transcript 2020-Mar-04 vol. Array \(www.ola.org/en/legislative-business/committees/public-accounts/parliament-42/transcripts/committee-transcript-2020-mar-04-vol-array\)](#)

[Committee Transcript 2020-Feb-26 vol. Array \(www.ola.org/en/legislative-business/committees/public-accounts/parliament-42/transcripts/committee-transcript-2020-feb-26-vol-array\)](#)

[Committee Transcript 2020-Feb-19 vol. Array \(www.ola.org/en/legislative-business/committees/public-accounts/parliament-42/transcripts/committee-transcript-2020-feb-19-vol-array\)](#)

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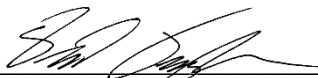
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This is **Exhibit “G”**
to the affidavit of
Doreen Navarro
Affirmed before me
by video teleconference this
23rd day of December, 2021



A Commissioner for Taking Affidavits

David P. Taylor
LSO 63508Q

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

Official Report of Debates (Hansard)

P-3

Journal des débats (Hansard)

P-3

Standing Committee on Public Accounts

Committee business

Comité permanent des comptes publics

Travaux du comité

2nd Session
42nd Parliament

Wednesday 8 December 2021

2^e session
42^e législature

Mercredi 8 décembre 2021

Chair: Taras Natyshak
Clerk: Christopher Tyrell

Président : Taras Natyshak
Greffier : Christopher Tyrell

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
PUBLIC ACCOUNTSCOMITÉ PERMANENT DES
COMPTES PUBLICS

Wednesday 8 December 2021

Mercredi 8 décembre 2021

The committee met at 1230 in room 151 and by video conference, following a closed session.

COMMITTEE BUSINESS

The Chair (Mr. Taras Natyshak): Welcome back, committee members. We are in open session, and we're joined here today by the government House leader, the Honourable Paul Calandra, and the official opposition whip, John Vanthof. Thank you very much, gentlemen, for appearing before us today and joining us today on such short notice. We appreciate your attendance here, and your support and help as we navigate through this specific issue.

With that, perhaps I should read this. For your information, the issue that we're dealing with pertains to Laurentian University and the production of documents through this committee, and the inability for this committee and the Auditor General to recover those documents and to have Laurentian be compelled to do so, after various attempts. So this committee is at its wits' end, so to speak.

On April 28, 2021, the Standing Committee on Public Accounts passed a motion requesting that the Auditor General conduct a value-for-money audit on Laurentian University's operations for the 2010-20 period. On October 6, 2021, the Auditor General updated the committee on restrictions imposed by the university on her office's work.

The committee sent three letters to Laurentian University, on October 15, October 22 and November 3, 2021. The first two letters requested that Laurentian produce to the committee the documents required by the Auditor General for her to fully conduct her audit. The committee received correspondence from counsel to the university on October 19, October 29 and November 10, 2021, indicating that the university was not willing to provide all of the documents requested by the committee. The letter from the committee on November 3 requested Laurentian to specify its objections to the committee's demand.

On November 18, 2021, the committee sent a letter inviting representatives from Laurentian University, with counsel, to appear before the committee.

On November 30, 2021, counsel for Laurentian University sent a letter to the committee offering to produce some, but not all, of the documents requested by the committee.

On December 1, 2021, representatives from Laurentian University and their counsel appeared before a closed session meeting of the committee.

To date, they have still not agreed to produce all of the documents requested by the committee.

Therefore, we are at this juncture in the function of the public accounts committee and we humbly ask your guidance and your support for the committee's work to move ahead.

With that, we're going to keep this a little bit informal. We have committee members joining us on the screen, virtually, and maybe I'll open it up to discussion.

MPP Parsa? Go ahead.

Mr. Michael Parsa: Thank you very much, Chair. I appreciate the opportunity. Mr. Calandra and Mr. Vanthof, I want to thank you both for agreeing to appear today on such notice. We've asked you to attend today so this committee can brief you on a very concerning situation which has developed over the last several months related to Laurentian University. The committee has conducted its work on this file almost exclusively in closed session, in an effort to be conciliatory and reasonable in our dealings with Laurentian. However, we have reached an impasse.

Dr. Robert Haché, Laurentian's president and vice-chancellor, and Mr. Claude Lacroix, chair of the board of governors, have continually resisted this committee's demand for the production of documents necessary to audit the university's finances. Further, they have actively challenged this committee and this Parliament's authority to demand and receive documents.

As you know, Laurentian University was declared insolvent and entered proceedings under the Companies' Creditors Arrangement Act earlier this year. This is a publicly funded institution in dire financial circumstances, and yet they have fought this committee's oversight vigorously.

To understand the situation we're in, I will outline the actions this committee has taken to date and the responses from Laurentian. On April 28, 2021, this committee adopted a motion that the Auditor General conduct a value-for-money audit on Laurentian University's operations. By October 6, the committee decided that if there was to be any hope of this audit being completed, the committee would have to directly demand the delivery of documents from Laurentian University.

On October 19, Laurentian, through their legal counsel, responded to the committee's request. They initially

indicated a willingness to work with the committee, but immediately made efforts to delay the disclosure of documents, suggesting they would require significantly more time than requested by the committee. At the same time, the university cited concerns over the disclosure of documents relating to the CCAA process and the disclosure of documents subject to solicitor-client privilege. The response from Laurentian incorrectly cites rulings of Speaker Milliken and Speaker Levac, attempting to justify that Laurentian should not have to provide the committee privileged information.

On October 22, the committee wrote back to Laurentian University, clarifying that the committee exercising its parliamentary authority has the power to command the production of paper and things from Laurentian. The committee, of its own volition, decided that it would not publicly disclose the documents it was requesting, in order to address Laurentian's concerns around privilege and confidentiality, but was firm in reiterating that the committee requires all of the documents it had requested. Further, the committee identified a series of documents which appeared to be readily available and demanded the immediate disclosure of those documents.

On October 29, Laurentian again responded to the committee through counsel, and their response claimed that they were willing to discuss an arrangement which could allow them to disclose documents. However, they would require Chief Justice Morawetz to mediate this dispute—a clearly unacceptable suggestion for a parliamentary committee.

On November 3, this committee responded to Laurentian University, asking Laurentian to answer a series of questions relating to the university's lack of compliance with the committee's order for documents. I won't read each of these questions, but suffice it to say that the committee gave Laurentian every opportunity to explain themselves and to comply.

On November 10, Laurentian again responded to the committee through counsel. This response, in particular, was deeply concerning. It can only be characterized as a direct challenge to this committee and this Parliament's authority. Laurentian, through their counsel, said, "I recognize that parliamentary committees do on occasion request documents that are subject to solicitor-client privilege. I do not necessarily accept that the committee has the right to compel the production of such documents, in particular from an entity that is not part of government."

Minister and Mr. Vanthof, I think you both would agree that this is simply not the case. All of us members know that Parliament is its sole authority over its own business. This is a long history, as old as our system of Parliament itself, which maintains the right of Parliament to any documents it believes it requires, including solicitor-client privileged materials, materials subject to other privileges or even materials subject to national security protections.

One reference I will point to is the House of Commons Procedure and Practice, third edition, which members will know is an authoritative text on the rights, privileges and procedures of Parliament. It states:

"Companies may be reluctant to release papers which could jeopardize their industrial security or infringe upon their legal obligations, particularly with regard to the protection of personal information. Others have cited solicitor-client privilege in refusing to allow access to legal papers or notices.

"These types of situations have absolutely no bearing on the power of committees to order the production of papers and records. No statute or practice diminishes the fullness of that power rooted in House privileges unless there is an explicit legal provision to that effect, or unless the House adopts a specific resolution limiting the power. The House has never set a limit on its power to order the production of papers and records."

Numerous rulings from Speakers, including our own former Speaker Dave Levac, confirm the simple fact that Parliament has the right to privileged documents and Parliament is the sole authority over its own rights.

In response to this letter, the committee asked Dr. Haché and Mr. Lacroix to appear at committee to justify their position and explain their plan to comply with the committee's request. The committee was wholly unsatisfied with the presentation made by Laurentian, and it became clear that Laurentian does not have any intention to fully or substantially comply with the committee's orders.

On November 30, Laurentian wrote to the committee and the Auditor General's office and proposed a resolution to the committee's request for documents. Laurentian proposed they would deliver materials, even those subject to solicitor-client privilege, but only up to March 2020, and certain materials after March 2020, but nothing subject to the CCAA process. I think it is clear to say that members of this committee do not believe that this disclosure would be sufficient. We have serious concerns over what happened between March 2020 and February 2021, when the university entered CCAA proceedings. In addition to this, Laurentian will require that the committee confirm this to be a full and final resolution of the committee's request. It would require that the committee will not continue to seek further disclosure of documents, and it would require that this committee and this Parliament submit to a settlement agreement outlined in a court order from Chief Justice Morawetz.

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Minister and Mr. Vanthof, I think you are both aware that Parliament is the highest court in the land. Parliament has the exclusive authority over itself, and any such agreement would be unprecedented in the history of our system of government. The situation we are in now is that this committee requires the documents it has requested in order to do its work. It is my hope that this committee will agree to a request that the Speaker issue a warrant for these documents. I know this is a rare step, but I believe we have no other choice. We need to assert the authority of Parliament and we need to hold this publicly funded institution to account. If this committee resolves to request a Speaker's warrant, I would ask that you, House leader, prioritize the consideration of this request so such a warrant can be

issued before the end of the year. Thank you very much, once again, for appearing before our committee.

The Chair (Mr. Taras Natyshak): Thank you very much, MPP Parsa.

We'll turn to MPP Gélinas.

M^{me} France Gélinas: First, were there any questions for MPP Parsa before I start or do you want to wait until we hear more?

Hon. Paul Calandra: Maybe, if Mr. Vanthof's in agreement, we'll wait until we hear a bit more.

M^{me} France Gélinas: Okay. I want to bring us back in time a little bit when, on April 28, I brought forward a motion to ask for a value-for-money audit of Laurentian University. The idea was really because of the hurt I could see in my community. After the CCAA process started at Laurentian University, many people lost their jobs. Many students lost the opportunity to ever hope of graduating from university because 69 programs were eliminated—28 of them in French. A French university education is even harder to get.

So when I made this request to our committee, it was really to bring closure to my community, so that the Auditor General would be this independent third party that people would trust, an independent third party that has the Auditor General Act. The act gives her the power to ask for information. It gives her the power to have access to records. It gives her the power to waive privilege. It gives her the power to enter premises and ask for information and documents. And all this so we could bring to my community the sense that this independent third party will come in, tell us exactly what led to this—where our university is now facing bankruptcy and has to go through CCAA, if there are any lessons to learn from this so that it doesn't happen to another community.

Because I can tell you that this has been going on for nine months now, and it has gone from complete shock and surprise to dismay, to wanting to know more, to, now, the level of anger and hatred toward the university is everywhere in my community. They don't trust them, and now they don't like them, and every week and every month it's just getting worse.

Laurentian is important. It has to survive. It has to be there if you want the people of the northeast to have access to a university education. Of the 600 people who didn't have a way to continue, many of them did not come to Toronto or Ottawa. They stayed home. They stayed home and gave up on the hope of ever having a university education. We know that the percentage of northerners who achieve a post-secondary education is way lower than it is in the rest of Ontario. Laurentian—we have to be able to rebuild that trust, and this is what the auditor will do.

Once the auditor has access to the information and emails and papers that she needs to do her work, we can assure everyone that in the over 100 years that we have had Auditors General in every single one of our provinces and at the federal level, there has never been a breach of confidentiality. Every auditor has gained access to solicitor-client privilege, they gain access to litigation privilege, to so many privileges—I don't even know what

those words mean, but I hear them lots. They have access to all of that information and they know how to treat it in a way that respects the confidentiality that needs to happen. But at the same time, they tell us the story of what happened, they tell us what needs to change and they make recommendations so that the initial goal of having this independent third party look at Laurentian and tell us where did they go wrong; what can we do so it doesn't happen to another university and how do we rebuild from there—that was the impetus behind the ask and it is just as important today as it was back in April.

We are all human beings, and when we don't know what's going on, we tend to assume the worst, and right now my community is assuming the worst. Some of the stories that I hear and some of the accusations that I hear of good people who have done good in my community but are linked to Laurentian are really hard to live with.

We need this independent third party to shed light. I don't know why they're giving the auditor such a hard time to let her do her work, but it has to be done.

As MPP Parsa said before, we've exhausted all of the possibilities that were available to us. There is one left, and there's a runway of about 24 hours to get it done because the House will rise tomorrow. That runway is for us to bring a report to the House, where we would ask the Speaker of the House to issue what is called a Speaker's warrant to ask Laurentian to comply with the wish of the House. It wouldn't be the wish of the committee anymore. It would be the wish of the Legislative Assembly.

This falls on your shoulders as House leader to make that happen. I realize it is a huge ask. I realize that there's lots on the docket between now and 24 hours or so when the House rises, but I want you to understand how important it is to get this done, to have the motion tabled in the House, discussed if needed, and agreed upon so that our Speaker can issue this warrant and the auditor can gain access to the documents she needs to bring peace back to my community.

The Chair (Mr. Taras Natyshak): Are there any further comments from committee members? MPP West.

Mr. Jamie West: I also want to thank the government House leader, Minister Calandra, and the NDP House leader, MPP Vanthof, for joining.

I want to start off by saying Laurentian is the cornerstone of our community in Sudbury. As the MPP for Sudbury, as a graduate of Laurentian, as a former sessional professor at Laurentian, I am 100% committed to the success of this university. I know how important it is. I know that I wouldn't have the critical thinking skills that I have if it wasn't for Laurentian University. As MPP Gélinas was saying, the affordability and location of Laurentian University, that success story, is important because I would never be able to afford to have left town to go to school and to come here. So it's truly, truly important to me that this is successful.

Sudbury, Chair, is a community that cares. It's a community that is constantly accomplishing incredible tasks. Sudbury is the home of the international Day of Mourning. We willed a cancer clinic into existence at a time when

people said, “You wouldn’t have one in the north.” We willed the original creation of Laurentian University into existence.

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These are all things that Sudbury willed into being. These are some of our success stories. And I believe, Chair, that if Sudburians were aware of the financial crisis of Laurentian University, we would have come together and we would have created another success story.

However, that’s not what happened and, as we all know here, the CCAA route was chosen. That process started last year. Families, students, donors, researchers and small businesses were all directly affected, and they are still reeling from the news of the insolvency. Let’s not forget, 200 people lost their jobs; 200 people lost their careers.

The CCAA process continues along today, and Sudburians are now concerned that Laurentian will be forced to sell off their green space. It’s important to recognize that this doesn’t just affect where people in Sudbury walk and ski and explore nature; this has the potential to adversely affect the drinking water of the city of Sudbury as well.

Last year, when the news came out about Laurentian going into insolvency, the economic impact of the CCAA process was estimated to be \$100 million a year on my city. The people of Sudbury, they deserve to now how we got here, and the Auditor General has the authority to tell us. We really need to know this.

As MPP Gélinas said, people are frustrated and angry, and when they don’t know, they guess, and sometimes when they guess they get it wrong. And the strain on my community that this has had is unbearable. People are frustrated and angry. People are struggling to work in the environment. I know that people who were working at Laurentian are struggling as well and feeling the brunt of the public attacks and the public frustration. It’s important that we can get the answers of how we got here, that we clear the story. As I said when we were previously talking with Laurentian, allow public accounts to help you by doing this.

And I want to thank all members of the public accounts committee, because this truly has been a non-partisan topic. It’s been a pleasure working with them. MPP Parsa very eloquently detailed all the steps that this committee has done. They literally, Chair, have done everything they can to work with Laurentian University. It has been months, and the committee has exhausted every tool at their disposal.

Chair, MPP Vanthof, Minister Calandra, this process has been going on since April. It’s now December—that’s eight or nine months—and I am concerned about Laurentian’s behaviour and the response to the Auditor General. I’m concerned not just because of Laurentian University, but I’m concerned about setting a precedent for future Auditor General requests, setting a precedent for the authority of this committee, setting a precedent for the authority of the Legislative Assembly of Ontario, because, rest assured, there are lawyers watching this and wondering, “Maybe this is the route that I should take if I’m ever asked for an audit by the Auditor General.”

And so, MPP Vanthof, Minister Calandra, the people of Sudbury need your help. I need your help. I want to join the call to issue a warrant for the documents that the Auditor General has requested, and if there’s anything I can do to be of service, please don’t hesitate to call on me. Thank you, Chair.

The Chair (Mr. Taras Natyshak): Thank you very much, MPP West. Are there any further comments? Seeing none, we will turn the floor over to our guests.

Interjection.

The Chair (Mr. Taras Natyshak): Pardon me? Sorry, MPP Parsa. I’m sorry. I missed you.

Mr. Michael Parsa: No, I apologize. No, thank you, Chair. I apologize. I just wanted to know if—as soon as the opportunity presents, I will be moving a motion after our guests have finished speaking.

The Chair (Mr. Taras Natyshak): Okay, thank you very much, MPP Parsa.

Gentlemen, the floor is yours now to provide us some comments on what you’ve heard so far.

Hon. Paul Calandra: Thank you very much. I appreciate the invitation, Mr. Chair and members of the committee. I do appreciate it. It is, I guess, rather unusual to have House leaders appear before you in this type of fashion, so I do appreciate all the work that you have done and your invitation, Mr. Chair.

Because what you’re asking is obviously very serious, and my memory doesn’t allow me to think back of how often this has happened, but I imagine in very, very, very few instances. So I think it was Mr. Parsa or you, Mr. Chair, who said that officials of the university did appear before the committee. I assume that that obviously was in camera because I have not—

The Chair (Mr. Taras Natyshak): Yes, it was.

Hon. Paul Calandra: Okay, and that was obviously wholly unsatisfactory, or we would not be here today. And then, Ms. Gélinas, you said, I think, you requested this in April of 2021. Some documents have been delivered, but obviously not in a fashion that either the committee, in particular—and I appreciate the Auditor General’s role as an officer of Parliament, but I think I’m going to just focus on the committee’s authority, Madam Auditor General. So, that was obviously not satisfactory to the committee to fulfill Madame Gélinas’s motion.

Then I think Mr. Parsa had mentioned—which, I think, would cause all of us concern—that at some point they had asked that whatever documents they had delivered would be considered full and complete and that we would not be able to ask for any more.

The Chair (Mr. Taras Natyshak): That’s correct.

Hon. Paul Calandra: Okay; all right. And it’s been going on for eight months.

Look, I can say this, and I’m not speaking for Mr. Vanthof: Given this and given that you’ve asked us to come here to brief us on this, I could say that should the committee decide to request the warrant, I am prepared to work with Mr. Vanthof to do whatever we have to do, to stay as late as we have to stay, to ensure that this gets done before we adjourn tomorrow. So, I can give you that

confirmation—not to speak for Mr. Vanthof. We can let him speak for himself. Should we go down that—I think it would be important, though, colleagues, that there be an opportunity in the House to also further explain why the committee is requesting this approach.

But just given everything that you've outlined and, as I said, respecting the Auditor General as an officer of Parliament, but more importantly that the committee is, I think Mr. Parsa said, and as obviously exercised through you, Mr. Chair—and very much appreciated—we are the highest court in the land. You've been extraordinarily patient to this point. We should protect that. From my end, that will not be a problem. You have my commitment that we will do that tomorrow, should you request it. I'll turn it over to Mr. Vanthof.

The Chair (Mr. Taras Natyshak): Thank you very much, Mr. Calandra.

Mr. Vanthof?

Mr. John Vanthof: Thank you, Chair. Thank you, Mr. Calandra, and thank you to the committee for inviting us. It is rather unusual.

I don't think it's a conflict of interest, but Laurentian University is very dear to me as well, because it is the bedrock university for northeastern Ontario. Having said that, I would, if I could, like to ask the Auditor General a couple of questions.

Basically, when the committee asked you to do a value-for-money audit—I would expect that not everyone is ever eager for an audit, but were you expecting the level of resistance that, in your professional opinion, came back from the university?

Ms. Bonnie Lysyk: No. I can say that as an officer of the Legislature and as the representative of the Office of the Auditor General, we have never encountered the pushback we received from Laurentian University during the course of an audit.

Mr. John Vanthof: Thank you. One other question: When Laurentian entered into the CCAA process, that caught many of us by surprise as well. Have you had previous experience auditing an institution when it was going through that process?

Ms. Bonnie Lysyk: No. We have not audited a university or an entity that has gone through that process. Laurentian University, to my understanding, is the first publicly funded institution that has sought CCAA. Our audit would be looking at, as the committee requested, the process leading up to the filing of the CCAA process—all the way to the filing in February, so not after but up until that point.

Mr. John Vanthof: Okay, thank you.

Hon. Paul Calandra: Mr. Chair, do you mind if I just ask one last question?

The Chair (Mr. Taras Natyshak): Absolutely, go ahead.

Hon. Paul Calandra: Madame Gélinas, you requested it in April. When was the first set of documents even delivered to the committee, respecting that they were wholly inadequate for—

Mme France Gélinas: By memory, I would say not until the end of October, but we can give you a specific date. By memory, it was October 19.

1300

Hon. Paul Calandra: Wow, okay.

The Clerk of the Committee (Mr. Christopher Tyrell): November 17 was the day that the university first began to produce documents to the committee.

Hon. Paul Calandra: Okay. All right. I appreciate your frustration and anger, then, at this point. Thank you.

Mr. John Vanthof: I would like to offer—on behalf of the official opposition, we are prepared to work with the government to expedite this process. I agree with Mr. Calandra that there should be a discussion about it in the House, but not debate for the sake of debate, if I am safe to say that.

Hon. Paul Calandra: The ultimate goal is to respect what the committee has asked for and make sure that we honour the committee's request before we are out of here tomorrow, 100%.

Mr. John Vanthof: I commit to work with you on that.

The Chair (Mr. Taras Natyshak): Are there any further questions or comments from any committee members? Okay. Seeing none, gentlemen, I want to thank you so much for taking the time. I know your time is precious in this House, especially as we get down to the final minutes of the sitting. I want to thank you for your clear understanding of the situation that the committee is presented with.

If you don't know already, this committee is unique in its structure. I didn't know that until I became the Chair because I never had the opportunity to sit as a member of the committee. This committee operates on a basis of collaboration, co-operation and compromise. It is unique in its structure and it is those virtues that make it a really special and important function of this Legislature and of Legislatures in parliamentary systems around the world.

I have been honoured to sit with the committee members, especially during this difficult time, because we found that measure of co-operation and collaboration. Today, your presence here with us, as opposition members and government members, reinforces those virtues. I commend you and I thank you very much for appearing before us today and continuing the work on behalf of the people of Ontario into the House, and to hopefully get some answers for the people of Sudbury.

MPP Parsa?

Mr. Michael Parsa: While we have the government House leader and Mr. Vanthof in the room, if you don't mind, I'd like to move a motion, please.

The Chair (Mr. Taras Natyshak): Absolutely. Go ahead.

Mr. Michael Parsa: I too want to join you in thanking both the government House leader, Mr. Calandra, and Mr. Vanthof on joining our committee on such short notice, and certainly I thank you, and the Auditor General and every member of this committee for all the collaboration that we've been able to show on this.

I move that the Standing Committee on Public Accounts report to the House on Thursday, December 9, 2021, that the committee has been unable to obtain the documents it has requested from Laurentian University, and recommends and requests that the Speaker now issue his warrant for the production of documents, addressed to Dr. Robert Haché and Mr. Claude Lacroix of Laurentian University, ordering them to provide the committee with the documents it has requested; and that the documents be delivered to the committee no later than February 1, 2022.

The Chair (Mr. Taras Natyshak): The motion is in on the floor. Are there any questions on the motion? Madame Gélinas?

M^{me} France Gélinas: We have a very good Clerk in this committee. If it would help the House leader, it could be done this afternoon, but to be respectful of the work of the Clerk it would be easier tomorrow, December 9. I'm just asking the House leader, is it better for you if we rush

through so that it's this afternoon, or is it okay if we wait till 1 o'clock tomorrow?

Hon. Paul Calandra: I appreciate the question. If the committee can complete its work, then I know that we can work together to ensure that by that time tomorrow it is done. You have, I think, our word, and we'll honour the request that you are making, absolutely. Take your time to do the work, because I do appreciate how important what you're asking is, so we will ensure that it gets done.

M^{me} France Gélinas: Thank you.

The Chair (Mr. Taras Natyshak): Thank you very much. Are there any further questions on the motion? Seeing none, all in favour of the motion? All opposed? The motion carries.

With that, gentlemen, you'll be hearing from us very shortly, and we appreciate it.

We'll now go into closed session.

The committee continued in closed session at 1306.

STANDING COMMITTEE ON PUBLIC ACCOUNTS

Chair / Président

Mr. Taras Natyshak (Essex ND)

Vice-Chair / Vice-Présidente

Ms. Christine Hogarth (Etobicoke–Lakeshore PC)

Mr. Deepak Anand (Mississauga–Malton PC)

Mr. Toby Barrett (Haldimand–Norfolk PC)

Ms. Jessica Bell (University–Rosedale ND)

Mr. Stephen Blais (Orléans L)

Mr. Stephen Crawford (Oakville PC)

Mr. Rudy Cuzzetto (Mississauga–Lakeshore PC)

Ms. Christine Hogarth (Etobicoke–Lakeshore PC)

Mr. Michael Mantha (Algoma–Manitoulin ND)

Mr. Taras Natyshak (Essex ND)

Mr. Michael Parsa (Aurora–Oak Ridges–Richmond Hill PC)

Mr. Amarjot Sandhu (Brampton West / Brampton-Ouest PC)

Substitutions / Membres remplaçants

M^{me} France Gélinas (Nickel Belt ND)

Ms. Donna Skelly (Flamborough–Glanbrook PC)

Mr. Vijay Thanigasalam (Scarborough–Rouge Park PC)

Mrs. Daisy Wai (Richmond Hill PC)

Also taking part / Autres participants et participantes

Hon. Paul Calandra (Markham–Stouffville PC)

Mr. John Vanthof (Timiskaming–Cochrane ND)

Mr. Jamie West (Sudbury ND)

Ms. Bonnie Lysyk, Auditor General

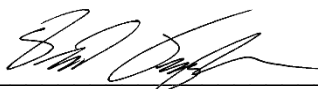
Clerk / Greffier

Mr. Christopher Tyrell

Staff / Personnel

Ms. Laura Anthony, research officer,
Research Services

This is **Exhibit “H”**
to the affidavit of
Doreen Navarro
Affirmed before me
by video teleconference this
23rd day of December, 2021



A Commissioner for Taking Affidavits

David P. Taylor
LSO 63508Q

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STANDING COMMITTEE ON PUBLIC ACCOUNTS

REQUEST FOR A SPEAKER'S WARRANT TO PRODUCE DOCUMENTS FROM LAURENTIAN UNIVERSITY

2nd Session, 42nd Parliament
70 Elizabeth II

STANDING COMMITTEE ON PUBLIC ACCOUNTS
MEMBERSHIP LIST

2nd Session, 42nd Parliament

TARAS NATYSHAK
Chair

CHRISTINE HOGARTH
Vice-Chair

DEEPAK ANAND

RUDY CUZZETTO

TOBY BARRETT

MICHAEL MANTHA

JESSICA BELL

MICHAEL PARSA

STEPHEN BLAIS

AMARJOT SANDHU

STEPHEN CRAWFORD

FRANCE GÉLINAS, DONNA SKELLY and DAISY WAI regularly served as substitute members of the Committee.

CHRISTOPHER TYRELL
Clerk of the Committee

WAI LAM (WILLIAM) WONG
Parliamentary Counsel

LAURA ANTHONY
Research Officer

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December 8, 2021

On April 28, 2021, the Standing Committee on Public Accounts passed a motion requesting that the Auditor General conduct a value-for-money audit on Laurentian University's operations for the 2010-2020 period. On October 6, 2021, the Auditor General updated the Committee on restrictions imposed by the University on her office's work.

The Committee sent three letters to Laurentian University, on October 15, October 22 and November 3, 2021. The first two letters demanded that Laurentian University produce the documents required by the Committee in order to conduct its work. The last letter requested Laurentian to specify its objections to the Committee's demand. The Committee received correspondence from counsel to the University on October 19, October 29 and November 10, 2021, indicating that the University was not willing to provide all of the documents requested by the Committee. On November 17, 2021, the University began to produce to the Committee some documents it had deemed did not contain privileged information or relate to the University's ongoing *Companies' Creditors Arrangement Act* ("CCAA") restructuring proceedings.

On November 18, 2021, the Committee sent a letter inviting representatives from Laurentian University, with counsel, to appear before the Committee in order to explain the University's position regarding the Committee's authority to compel the production of documents; to address the University's concerns regarding the sensitivity of documents related to the audit of Laurentian University; and to explain the University's plan to comply with the Committee's demand for the production of documents in a full and timely manner. Counsel for the University responded on November 22, 2021, indicating that the University's representatives and counsels would be in attendance before the Committee on December 1, 2021.

On November 30, 2021, counsel for Laurentian University sent a letter to the Committee offering to produce (i) all documents, including those subject to privilege, created before the University began to consult with external insolvency counsel in March 2020, and (ii) many non-CCAA privileged documents created after that date, but only subject to wholly unacceptable conditions challenging the rights and privileges of Parliament. The University remains unwilling to provide documents related to the CCAA restructuring.

On December 1, 2021, representatives from Laurentian University and their counsel appeared before a closed session meeting of the Committee.

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At its meeting on Wednesday, December 8, 2021, the Committee adopted a motion requesting that the House authorize the Speaker to issue a Warrant to command and compel the production of the documents set out in Appendices A and B of this report.

The Committee previously met on three occasions (October 6, October 20 and November 3, 2021) to discuss this matter. At the first two meetings, the Committee agreed to send letters to Laurentian University demanding the documents that the Committee needed to do its work effectively. Laurentian

University has provided some of the documents requested by the Committee, but has refused to provide all of the documents outlined in the Committee's letters.

Your Committee therefore recommends that the House command and compel Dr. Robert Haché and Mr. Claude Lacroix of Laurentian University to produce to the Committee by February 1, 2022 the documents set out in Appendices A and B of this report, as provided for by the constitutional doctrine of Parliamentary Privilege and that the Speaker issue a Warrant to such effect.

A handwritten signature in blue ink, appearing to read 'Taras Natyshak'.

Taras Natyshak, MPP
Chair

Appendix A: Information and Materials Requested by the Standing Committee on Public Accounts

Information and materials requested	Date Requested by
All Board of Governors and Board of Governors Committee and Ad-hoc Committees public and in-camera materials and minutes from January 1, 2010 to present	October 22, 2021
All Senate and Senate Committee, Subcommittee and Ad-hoc Committees public and in-camera materials (including all communications of financial information on programs viability and/or Laurentian's overall finances) and minutes from January 1, 2010 to present	October 22, 2021
The complete emails, including archives, from January 1, 2010 to present for the following individuals: • Alex Freedman • Amanda Schweinbenz • Annette Cacciotti • Bernadette Schell • Brad Parkes • Blaine Nicholls • Brent Roe • Carol McAulay • Celeste Boyer • Céline Larivière • Chris Mercer • Chantal Beauparlant • Cindy Cacciotti • Claude Lacroix • Collette Rainville • Craig Fowler • Darquise Lauzon • Diane Massicotte • David Lesbarerres • Dean Millar • Dominic Giroux • Eric Chappell • Eric Gauthier • Fabrice Colin • Heather McPherson • Isabelle Bourgeault-Tasse	October 22, 2021

Information and materials requested	Date Requested by
• Joël Dickinson • Jay Patel • Jennifer Straub • Joseph Burke • Julie Birnie • Julie Lacroix • Justin Lemieux • Lace Marie Brodgen • Lorella Hayes • Lindsey Melanson • Marie Josee-Berger • Martin Bayer • Maxim Jean-Louis • Malek Abou-Rabia • Marie-France Girard • Melanie Boulianne • Michel Delorme • Michel Seguin • Normand Lavallee • Osman Abou-Rabia • Dr. Pierre Zundel • Patrice Sawyer • Richard Therrien • Roxane Marois • Robert Bourgeois • Sara Kunto • Serge Demers • Silvie Allard • Shauna Lehtmaki • Stan Pawlowicz • Shawn Frappier • Therese Klotz • Tom Fenske • Tracy MacLeod • Dr. Robert Haché • Robert Kerr • Rui Wang	

Information and materials requested	Date Requested by
Any and all email communications, including archives, from January 1, 2010 to present with the following domains: • kpmg.ca • kpmg.com • sudburylaw.com	October 22, 2021
Extract of all folders and contents from Laurentian University's T-drive, Google Drive, and any other drive or network share containing documents related to the administrative function of the University as of October 15, 2021	October 22, 2021
KPMG audit planning reports for the following fiscal periods: • year ending April 30, 2019 (presented to the Audit Committee during its meeting on March 25, 2019) • year ending April 30, 2020 (presented to the Audit Committee during its meeting on March 23, 2020) • year ending April 30, 2021 (presented to the Audit Committee)	October 22, 2021
KPMG audit findings reports for the following fiscal periods: • year ending April 30, 2010 (presented to the Finance Committee during its meeting on October 4, 2010) • year ending April 30, 2021 (Audit Committee)	October 22, 2021
All documentation relating to the appointment and retention of the external auditor (including but not limited to internal correspondence, request for proposals, vendor-submitted proposals, evaluation of submissions, minutes of any discussions or decision-making, and signed Board or Audit Committee resolutions) for the fiscal years ending April 30, 2019, April 30, 2020, April 30, 2021	October 22, 2021
All contracts, reports, and correspondence with KPMG regarding non-assurance services (e.g. consulting services, accounting advisory services, tax, financial compilation, loan staff, internal audit services, etc.) for the period of January 1, 2010 to present	October 22, 2021
Documentation and correspondence related to all Laurentian University land purchases, sales and other transactions from January 1, 2010 to present	October 22, 2021
All documentation related to "Laurentian 2.0" prepared for of by the In Camera Ad Hoc Committee on Contingency Planning and the Contingency Planning and Sustainability Measures Report	October 22, 2021
All draft and final budgets and supporting analysis for Laurentian University's budgets from 2010 to present	October 22, 2021
All student registration data from January 1, 2010 to present	October 29, 2021
All internal analysis of revenue and expenses by programs and courses prepared by faculty and administration from January 1, 2010 to present	October 29, 2021

Information and materials requested	Date Requested by
All reconciliation of student enrollment submitted to the Province of Ontario, with Laurentian's budgets presented to the Board of Governors and actual student enrollment for January 1, 2010 to present	October 29, 2021
Materials produced by faculty deans on their analysis of programs' viability and student enrolment from January 1, 2010 to present	October 29, 2021
All internal correspondence regarding the preparation of enrollment data submitted to the province of Ontario for funding purposes from January 1, 2010 to present	October 29, 2021
All documentation, including supporting analysis and decisions made in relation to program/course cancellations, staff and faculty cuts and restructuring prepared up to January 31, 2021 including, but not limited to: • All analysis and supporting documentation used in the analysis • Methodology of analysis • Listing of all staff/faculty and departments that contributed to the analysis • Results of the analysis All material that was provided to senior management, and Senate or Board or Committees related to this matter.	October 29, 2021
All current and former Laurentian University Directors and Officers (D&O) Liability Insurance Policy(s) (including Carriers and Reinsurers agreements and policies) from January 1, 2010 to present	October 29, 2021
All personnel files, including but not limited to employment and benefits contracts, performance reviews, annual merit pay and compensation reviews, and resumes, for Chiefs of Staff, Special Advisors, University Secretary and General Counsel, Chief Advancement Officer, and Assistant/Associate Vice Presidents and higher including Interim and Acting appointments (current and former) from January 1, 2010 to present	October 29, 2021
All recruitment files, including but not limited to recruitment postings, applications and resumes received, and documentation of the selection process steps and decisions making for all Chiefs of Staff, Special Advisors and Assistant/Associate Vice Presidents Administration (non- academic) appointments from January 1, 2010 to present	October 29, 2021
All business case, justification or other analysis used to inform the creation of new senior administrator positions (Assistant/Associate Vice Presidents and higher) from January 1, 2010 to present	October 29, 2021
All legal engagement letters and invoices from January 1, 2010 to present	October 29, 2021
Any and all correspondence with Lenczner Slaght LLP, Stockwoods LLP Barristers, Thornton Grout Finnigan LLP and related personnel (including but not limited to all documents, engagement letters, retainer	October 29, 2021

Information and materials requested	Date Requested by
agreements, terms and conditions, invoices, recordings, reports, legal opinions) from January 1, 2010 to present	
All documentation and correspondence relating to the property encroachment on 2115 South Bay Rd from January 1, 2010 to present	October 29, 2021
All documents, including contracts and other information, related to third-party partnership agreements from January 2010 to present	October 29, 2021
All correspondence with the City of Sudbury regarding the School of Architecture property from January 1, 2010 to present	October 29, 2021
All information and internal communications regarding actual or potential conflict of interest situations between January 1, 2010 and present	October 29, 2021
All communications and correspondence with Desjardins between January 1, 2010 to January 31, 2021	October 29, 2021
A listing of restricted donations received from January 1, 2010 to present	October 29, 2021
A listing of restricted research funding received from January 1, 2010 to present	October 29, 2021
All documentation pertaining to current and past litigation from January 1, 2010 to present	November 5, 2021
All documentation provided by Laurentian University to Ernst & Young (EY) as financial advisor and subsequently monitor, and documentation provided by E&Y to Laurentian University from January 1, 2010 to present, not limited to: • Letters(s) of engagement, statements of work, and terms of reference • Documentation and correspondence for the period of engagement prior to the date of the CCAA filing and after the CCAA filing • Reports and draft reports • Meeting minutes	November 5, 2021
All documentation pertaining to union grievances from January 1, 2010 to present	November 5, 2021
All complaints filed by Laurentian University's employees from January 1, 2010 to present and accompanying documentation of the resolution of those complaints	November 5, 2021
All correspondence, materials and minutes, from meetings between LUAPS Executive, the Board and/or Laurentian University from 2010 to present	November 5, 2021
Contracts with all international student recruiters and foreign governments from January 1, 2010 to present	November 5, 2021

Information and materials requested	Date Requested by
All international travel expenses related to international student recruitment from January 1, 2010 to present	November 5, 2021
All internal and external communications regarding the compliance with the Midwifery program funding agreements from January 1, 2010 to present	November 5, 2021
All internal and external communications regarding Laurentian's compliance regarding compliance with (<i>An Act to Incorporate Laurentian University of Sudbury, Broader Public Sector Accountability Act, Broader Public Sector Executive Compensation Act, French Language Services Act, Protecting a Sustainable Public Sector for Future Generations Act, 2019</i>) from January 1, 2010 to present	November 5, 2021
All current and former Board of Governors and Senate expenses from January 1, 2010 to present	November 5, 2021
All information on Board of Governor nominations and appointments from January 1, 2010 to present	November 5, 2021
All financial statements for the Laurentian University pension plan as well as plan text, plan amendments, actuarial valuations (funding and accountings), fund manager investment reports, and all documentation regarding the conversion of the pension plan from defined contribution to defined benefits for period of 2010 to present	November 5, 2021
The bids and submissions received for the operational and governance review that the university is currently undertaking, and any evaluations of the proponents	November 5, 2021

Appendix B: Information to be provided to the Standing Committee on Public Accounts by October 29, 2021

Information and materials requested
All Board of Governors and Board of Governors Committee and Ad-hoc Committees public and in-camera materials and minutes from January 1, 2010 to present in their entirety
All Senate and Senate Committee, Subcommittee and Ad-hoc Committees public and in-camera materials (including all communications of financial information on programs viability and/or Laurentian's overall finances) and minutes from January 1, 2010 to present in their entirety
The complete emails (including all archives and migrated emails from the legacy mail system to Google Mail), as of either August 12, August 13, or August 16, 2021 for the following individuals and domain names: • Carol McAulay • Chris Mercer • Dominic Giroux • Isabelle Bourgeault-Tasse • Julie Lacroix • Lorella Hayes • Normand Lavallee • Dr. Pierre Zundel • Sara Kunto • Serge Demers • Shawn Frappier • Tracy MacLeod • Dr. Robert Haché (rhache@laurentian.ca, rhpvc@laurentian.ca) • president@laurentian.ca • pvpa@laurentian.ca • vpadmin@laurentian.ca
Any and all email communications, (including all archives and migrated emails from the legacy mail system to Google Mail), as of either August 12, August 13, or August 16, 2021 with the following domains: • kpmg.ca • sudburylaw.com
Extract of all folders, including subfolders and contents, from Laurentian University's T-Drive as of August 16, 2021 contained in the folders identified below: • Finance • Human Resources and Organizational Development

Information and materials requested
• Legal • Physical Plant Capital • Risk and Insurance • Secretariat <i>(Our understanding is that the above folders contain, at a minimum, the following types of information: Accounting, Finance, Legal / General Counsel, Corporate Secretary, Board of Governors, Capital Procurement, Procurement and HR)</i>
KPMG audit planning reports for the following fiscal periods: • year ending April 30, 2019 (presented to the Audit Committee during its meeting on March 25, 2019) • year ending April 30, 2020 (presented to the Audit Committee during its meeting on March 23, 2020) • year ending April 30, 2021 (presented to the Audit Committee at an unknown date)
KPMG audit findings reports for the following fiscal periods: • year ending April 30, 2010 (presented to the Finance Committee during its meeting on October 4, 2010) • year ending April 30, 2021 (presented to the Audit Committee at an unknown date)
All documentation relating to the appointment and retention of the external auditor (including but not limited to internal correspondence, request for proposals, vendor-submitted proposals, evaluation of submissions, minutes of any discussions or decision-making, and signed Board or Audit Committee resolutions) for the fiscal years ending April 30, 2019, April 30, 2020, April 30, 2021
All draft and final budgets and supporting analysis for Laurentian University's budgets from 2010 to present

* The Committee's understanding is that these materials have already been provided incomplete form to Laurentian Counsel*

The Committee's understanding is that this information is already downloaded and stored on a hard drive at Laurentian University with password protection from Laurentian University and Office of the Auditor General.

This is **Exhibit “I”**
to the affidavit of
Doreen Navarro
Affirmed before me
by video teleconference this
23rd day of December, 2021



A Commissioner for Taking Affidavits

David P. Taylor
LSO 63508Q



December 9, 2021

Taras Natyshak
Chair, Standing Committee
Room 139, Legislative Building
Toronto, ON M7A 1A4

Richard G. Dearden
Direct +1 613 786 0135
Direct Fax +1 613 788 3430
richard.dearden@gowlingwlg.com

Dear Mr. Chair

Re: Laurentian University of Sudbury Audit

1. I am counsel for the Auditor General of Ontario regarding a value-for-money audit of Laurentian University of Sudbury that was unanimously requested by the Standing Committee on Public Accounts.
2. This letter replies to a letter dated December 8, 2021 to you and others from counsel for Laurentian University.
3. The December 8th letter alleges that the Public Accounts Committee's request for a Speaker's Warrant to command the production of documents from Laurentian University "would seek to pre-empt and interfere with a pending determination by the Court on the very issue that is the subject matter of the requested Speaker's Warrant. That court application, brought by the Auditor General, was heard on Monday of this week by Chief Justice Morawetz of the Ontario Superior Court of Justice. He has reserved his decision and indicated that it will be issued shortly".
4. The Auditor General's Application before the Chief Justice seeks a statutory interpretation of section 10 of the *Auditor General Act*. The Application does not request an Order to compel Laurentian University to produce any documents whereas the request for a Speaker's Warrant does. The Auditor General's Application takes the position that section 10 of the *Auditor General Act* confers on the Auditor General a right of access to a grant recipient's privileged



documents. The Auditor General's Application does not engage the exercise of any right conferred by section 10 of the *Auditor General Act* and does not involve any issues relating to Parliamentary Privilege nor the rights and powers of the Public Accounts Committee and the Legislative Assembly of Ontario.

5. In the event you have questions, please feel free to contact me.

Yours truly,

A handwritten signature in blue ink that reads "Richard G. Dearden".

Richard G. Dearden
RGD

cc. Chris Tyrell – Committee Clerk of the Standing Committee on Public Accounts
William Wong – Counsel for the Legislative Assembly of Ontario

48652969\1

This is **Exhibit “J”**
to the affidavit of
Doreen Navarro
Affirmed before me
by video teleconference this
23rd day of December, 2021



A Commissioner for Taking Affidavits

David P. Taylor
LSO 63508Q

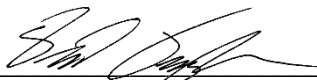
Parliamentary Calendar 2022

Calendrier parlementaire 2022

January/janvier							February/février							March/mars						
Sun dim	Mon lun	Tue mar	Wed mer	Thu jeu	Fri ven	Sat sam	Sun dim	Mon lun	Tue mar	Wed mer	Thu jeu	Fri ven	Sat sam	Sun dim	Mon lun	Tue mar	Wed mer	Thu jeu	Fri ven	Sat sam
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31																				
October/octobre							November/novembre							December/décembre						
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23	24	25	26	27	28	29	27	28	29	30				25	26	27	28	29	30	31
30	31																			

Dates on which the House may meet pursuant to the Standing Orders / Dates à prévoir pour l'Assemblée conformément au Règlement

This is **Exhibit “K”**
to the affidavit of
Doreen Navarro
Affirmed before me
by video teleconference this
23rd day of December, 2021



A Commissioner for Taking Affidavits

David P. Taylor
LSO 63508Q

Sudbury

Former Laurentian University board chair and vice-chair among 11 resignations

University announced a provincial bailout the same day 11 board members resigned

CBC News · Posted: Dec 17, 2021 1:58 PM ET | Last Updated: December 17



Laurentian University revealed the names of the 11 board members who resigned earlier this week. (Erik

White/CBC)

[comments](#) 

Laurentian University's past board chair and vice-chair are among those who resigned earlier this week.

In an email, the Sudbury university provided a full list of the 11 board members who resigned at the same time it was announced it would receive a bailout from the province.

Those 11 former board of governors members are: chair Claude Lacroix , vice-chair Sonia Del Missier, Fabiola Garcia, Peter Faggioni, Kathy Dokis, Stuart Harshaw, Natalie Turvey, Karen Restoule, Nelson Toulouse, Martin Gran, and Jennifer Jocko.

"The university appreciates their leadership and continued commitment to the values and mission of Laurentian, and wishes them all the best in their future endeavours," Laurentian said in its email.

On Thursday the university announced the Ontario Ministry of Colleges and Universities will provide \$35 million to refinance Laurentian's existing debtor-in-possession (DIP) loan, which first was made available when it went into creditor protection earlier this year.

The province will also provide the university up to \$6 million in COVID-19 funding, and "performance protection" of up to \$22 million over a number of years.

- [**Students and faculty still in the dark about what new post-secondary school year will look like**](#)
- [**Sudbury's Laurentian University to get provincial bailout as some board members resign**](#)

The news followed a year of challenges for Laurentian, which announced it was insolvent in February 2021.

In April, Laurentian cut 30 programs, and around 200 staff and faculty members lost their jobs.

Laurentian's staff and faculty unions welcomed Thursday's news of a provincial bailout, and the resignations of 11 board members.

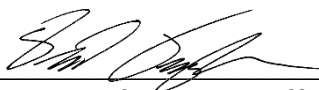
But Reuben Roth, a former Laurentian labour studies professor who was terminated when the university cut its programs, said the entire board of governors should have resigned.

"We've been calling for the resignation of (Laurentian) President Haché and the entire board of governors for some time," he said. "And when I say 'we' I mean many people in the community, including the organization that I'm a part of, Save our Sudbury."

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This is **Exhibit “L”**
to the affidavit of
Doreen Navarro
Affirmed before me
by video teleconference this
23rd day of December, 2021



A Commissioner for Taking Affidavits

David P. Taylor
LSO 63508Q



History of Our Office

What began with the passage of the first *Audit Act* more than a century ago has evolved into something far more complex than just "checking the numbers." This history of the Office is not just a chronology covering more than 125 years of auditing and auditors; it is also the story of how the government of Ontario has changed and how the expectations of elected officials and the public have led to major changes in the traditional auditor's role.

The Early Years (1886–1949)

From Accounting to Auditing (1950–1972)

The Value-for-money Era (1973–2002)

The Current Era (2003–Present)

The Early Years (1886–1949)

The First Auditor



Ontario officially appointed its first independent provincial auditor in 1886, but the push for oversight of public finances dates back to just after Confederation. In 1869, the provincial cabinet created an Audit Branch within the Treasury (the precursor to today's Ministry of Finance) to carry out "the proper auditing of the accounts and disbursements connected with all the branches of the Public Service." Headed by **William Cayley**, this new Audit Branch was responsible for keeping formal records of all money paid into the Treasury and

tracking outflows to make sure they were appropriate. All cheques were to be signed by the Treasurer and countersigned by the Auditor—a considerable burden when you consider the government was issuing 10,000 cheques a year by 1879.

More Independence



The Auditor, however, was still an employee of the Treasury, which meant he did not operate independently from government as today's Auditor does. Pressure to change this erupted in 1885 with the discovery of a then-sizeable \$14,000 discrepancy in the government's books. The following year, the government passed its first *Audit Act*, providing for a Provincial Auditor appointed by the Lieutenant Governor and independent of the Treasury. The Auditor was to ensure that no money was spent without legislative authority and to provide each government department with a monthly statement. He also continued to countersign every cheque issued by the Treasurer.

Charles Sproule, was appointed the first official Provincial Auditor of Ontario in 1886, although he had already been serving in the post since Mr. Cayley's retirement in 1878. No one could accuse Mr. Sproule of being overstaffed: he employed one bookkeeper and one clerk, and he had an annual office budget of less than \$5,000, with nearly half of that going to his salary. By 1905, when **James Clancy** succeeded Mr. Sproule, the Office of the Provincial Auditor had a staff of seven and expenditures of \$8,000 a year. The Provincial Auditor's annual salary was \$2,500.

Under the new Act, the Auditor was required to prepare the annual Public Accounts of the province, and he had the power to examine under oath any person connected with any account being audited. But he still did not have a completely free hand—if he disagreed with the Treasury Department, his decision could be overruled by the Treasury Board, which consisted of the Treasurer, the Premier and the Attorney General

The Auditor's Report



In 1909, the Legislature voted to change the government's fiscal year from the calendar year to the 12 months between November 1 and October 31. A clause in the law making this change said that if the Auditor was overruled by the Treasury Board, he was to prepare

a statement on the situation and present it to the Legislature at the beginning of the next session. This introduced the practice of an Auditor's Report that was separate from his responsibility to prepare the Public Accounts. From 1909 onward, the Auditor's Annual Report was printed as a separate document.

In the fall of 1920, **Gordon Brown** was appointed Provincial Auditor at a salary of \$5,000 to oversee a staff of 23 and an annual budget of more than \$52,000.

Steady Growth and "Economies" ×

The following year, amendments to the *Audit Act* said that the Auditor could choose his own staff. Previously, appointments were made by the Premier and Cabinet. As well, the Auditor could now appoint an Assistant Auditor, and could designate a staffer to countersign cheques on his behalf.

In his Budget speech of 1924, the provincial Treasurer pointed out an astonishing fact: since Confederation, there had been regular auditing of spending—the money going out—but not of the money coming into the province—the revenues. He described how he had gone into the Amusement Tax Branch and found cash "sticking out of the files...five-dollar and ten-dollar bills, and cheques there for months." Intensive audits followed, and the Provincial Auditor said these had been effective, reporting that "an increase of revenue will be shown in nearly every department."

By 1935, the Provincial Auditor's Office had a permanent staff of 48 with annual expenditures of \$90,000—but storm clouds were gathering. Faced with the grim impact of the Depression, Premier Mitch Hepburn announced plans to target unnecessary spending and to tighten up administration. He appointed the Deputy Minister of Public Works to investigate all government departments "to learn where economies might be effected."

The Provincial Auditor's Office was among the first up for inspection. All 48 employees were interviewed, sometimes with cross-examinations that bordered on intimidation. For example, the first employee on the witness stand was questioned about his political activity, drinking habits and debts. Even the Assistant Auditor was chastised for failing to keep an attendance record. A number of staff were let go in what the press of the day called political housecleaning. Other changes to the Office during this period were more

benign. The introduction of a Scriptograph machine that signed four cheques simultaneously, for example, came as a boon for staff, who by this time were signing 300,000 cheques a year by hand.

Professionalizing the Office



In 1938, **Harvey Cotnam** became the first chartered accountant to be appointed Provincial Auditor. His accounting and auditing expertise led to improvements in Office operations, including the requirement that work be documented in "audit papers."

During Mr. Cotnam's term, the Office had a smooth working relationship with the Treasury and the government of the day. An employee who had worked for the Auditor for more than 25 years put it this way: "We considered ourselves under the Treasury. We were supposed to be a separate office, but we dovetailed with the Treasury pretty closely."

By the late 1940s, however, members of the Legislative Assembly were voicing concern about that "dovetailing." Some suggested the Auditor should be free to do his duty without any direction from the Treasury. A number of discussions took place in the Legislature's Public Accounts Committee, which passed a motion recommending that the Audit Act be amended.

From Accounting to Auditing (1950–1972)

Toward Greater Independence



The passage of an amended *Audit Act* in 1950 pulled the Office further away from Treasury Board control by strengthening the Auditor's right to access all necessary documents and giving him the authority to refer any questionable payment or request for payment to the

Lieutenant Governor in Council (that is, the Cabinet) rather than Treasury Board. The amended Act also said the Auditor was to present the Public Accounts to the Lieutenant Governor in Council instead of the Treasurer, and within a definite time frame.

A separate section of the Act provided for the Provincial Auditor to issue an Annual Report and say in the report whether, "in his opinion, they [the Public Accounts] are properly drawn up so as to present fairly the financial position of the province." The Act also gave the Auditor the right to inform the Legislature—again, rather than the Treasurer—of any matter "he desires to bring to the attention of the Assembly."

From Pre- to Post-Audit



At the end of Mr. Cotnam's 25-year tenure, in 1963, **George Spence** was appointed Provincial Auditor, and presided over the Office's move from pre-audit to post-audit work.

Traditionally, the Office conducted post-audits of revenues and pre-audits of expenditures. Pre-audit essentially means auditing a transaction before it is processed, while post-audit means auditing the transaction after it has been processed. The thinking behind the pre-audit of expenditures was that a careful review before cheques were issued would reduce the risk of theft and fraud.

Although Canada's Parliament had relieved the federal Auditor General of pre-audit work in 1931, it wasn't until 1971 that Ontario took the same step. The Committee on Government Productivity recommended, among other things, that pre-audit duties be shifted from the Provincial Auditor to the individual government departments. The new system made government managers responsible for overseeing the processing of revenues and expenditures, allowing the Provincial Auditor to focus on assessing financial-system procedures and controls rather than on verifying individual transactions. As a newspaper of the day observed, this new system represented "a change from government over the pork barrel at the corner store to government as giant corporation."

The change to post-audit also resulted in a stronger relationship between the Provincial Auditor and the Legislature's Public Accounts Committee, which recognized that the Provincial Auditor was its most important resource. As the new post-audit work proceeded,

the Auditor took on more of an advisory role, answering the Committee's questions and delivering full reports based on the post-audit of government account payments. The Committee itself began to meet more frequently and assume a more influential role.

The Rise of Professional Accountants



The move to post-audit work brought changes in the make-up of the Office's staff. In the pre-audit days, many employees were clerks hired to perform the routine checking of proposed expenditures. They lacked the training and experience needed to assess financial accounting systems. Most of them were eventually transferred elsewhere in the public service and new staff with the appropriate skills were hired. A news article of the day observed that "bright young accountants who have avoided the place for years are rushing to get jobs."

In the 1970s, the Auditor's Annual Report began its transformation from a dry verification of accounts to a serious examination and reporting of questionable government spending practices, which was of greater interest to a much wider audience of legislators and citizens. This was supported by the next major development in the Office's evolution: value-for-money auditing.

The Value-for-money Era (1973–2002)

Expanded Audit Powers



Bill Groom was appointed Provincial Auditor in 1973. Though his time in the post was short—tragically, he and his wife were killed in a car accident just months after his appointment—he had a major impact on the Office's work. Groom is credited with transforming the Auditor's Annual Report into an assessment of questionable spending practices. He also

established the Conference of Canadian Legislative Auditors. This gathering of Auditors General from across Canada (since renamed the Canadian Council of Legislative Auditors) continues to meet every year to form working relationships and discuss common issues.

In 1974, **Norman Scott** was appointed Provincial Auditor in 1974. Under Mr. Scott, pre-auditing was completely phased out, and it became the responsibility of the Treasurer rather than the Auditor to prepare the Public Accounts.

In 1978, further amendments to the *Audit Act* marked a radical shift in the work of the Provincial Auditor. For the first time, the Office was given a clear mandate to conduct value-for-money audits. Up to this time, the Provincial Auditor's work had focused on verifying that money spent was accounted for correctly and that adequate accounting procedures and controls existed. Value-for-money auditing assesses whether government programs are being well managed and whether they provide good value for the money spent on them. The new mandate gave the Auditor much greater scope to look beyond the numbers—but only within the government and its ministries. It would be decades before the Auditor could cast his watchful eye over other institutions receiving government funding.

The new amendments also meant more independence for the Provincial Auditor. Previously, Office staff had been appointed by the Lieutenant Governor in Council, and the Auditor was required to submit the Office budget to the Management Board of Cabinet. Under the new Act, the Office was to secure both staff and financial resources through the Board of Internal Economy, an all-party legislative committee operating independently of the government's administrative processes. As well, the Provincial Auditor was now to report to the Legislature through the Speaker of the House rather than through the government or its ministers.

A Rising Profile



The 1980s saw the rise of the Provincial Auditor as a public figure. **Doug Archer**, appointed Provincial Auditor in 1982, recognized that greater media coverage of the Office's work would help better inform legislators and the public. This, he believed, would lead to greater accountability in government spending and better delivery of services. Encouraged by the

Public Accounts Committee, Mr. Archer held the Office's first-ever news conference when he released his *1984 Annual Report*. The media welcomed this new openness, and news coverage of the Annual Report increased substantially.

The rise in the Auditor's public profile fell into step with the coming of age of value-for-money auditing. The 1980s saw growing public demand that governments deliver the maximum benefit possible for taxpayer money. It was only natural that the Auditor play a more prominent role in meeting this demand.

More Rigorous Accounting, Improved Reporting



Concerns about accounting practices and their effect on the deficit had been raised in the late 1980s and early 1990s. In his *1991 Annual Report*, the Auditor said that existing practices could be "viewed as an attempt to 'manage' operating results." At the urging of **Erik Peters**, who became Provincial Auditor in 1993, the province made significant changes that led to more rigorous accounting practices through the 1990s. These included moving from a cash basis of accounting (where income is recorded when it is received and expenses recorded when they are paid) to accrual accounting (where income is reported when it is earned and expenses accounted for when they are incurred).

Mr. Peters also added a valuable new feature to his value-for-money audit reports: recommendations. In addition to details about its findings, each audit report now recommended specific actions that ministries could take to address problems. The logical next step in encouraging action and accountability was to follow up later to verify what steps had (or had not) been taken in response to the Auditor's recommendations. The *1995 Annual Report* included, for the first time, a chapter containing follow-ups on audit reports of two years earlier. Now auditees knew that the Auditor would be checking back with them and reporting on how well they responded to recommendations. Recommendations and follow-ups continue to be part of the Auditor's annual reports today.

The Current Era (2003–Present)

Upheavals



The first decade of the new millennium ushered in some spectacular accounting-related scandals and bankruptcies in the private sector that reverberated through the world of auditing. These controversies sparked calls for major reforms to audit practices, including ways to better ensure the independence and objectivity of auditors and audit committees. Although the new accounting and auditing standards arising from these debacles were largely directed toward the private sector, they reinforced how important it was for the Office of the Provincial Auditor to maintain the highest standards of practice.

New Identity, Increased Responsibility



Beginning in 1990, the Office sought changes to the Audit Act to help it better serve the Legislature. It proposed expanding the value-for-money audit mandate to include institutions in the broader public sector—colleges and universities, hospitals, school boards and so on—that together account for more than half of total annual provincial expenditures. In November 2004, the Legislature unanimously approved this and other amendments to the Act, also changing the job title from "Provincial Auditor" to "Auditor General." Shortly after, the Legislature appointed [Jim McCarter](#) as the province's first Auditor General under the new *Auditor General Act*.

Two more statutes, also enacted in 2004, further expanded the work of the Office. The *Government Advertising Act, 2004* requires that before it publishes or broadcasts most kinds of advertisements, the government submits them to the Auditor General for review and approval to ensure they are non-partisan and conform to the standards of the Act. (Please see the Government Advertising Review page [here](#).) The *Fiscal Transparency and Accountability Act, 2004* requires that, in an election year, the Ministry of Finance release a pre-election report on Ontario's expected financial performance over the next three years. The Auditor General must then review the government's published figures and report on whether the forecasts are reasonable. The first Auditor's report on the government's pre-election report was issued in 2007 and the second in 2011.

Of all the changes implemented since 2003, the expansion of the value-for-money audit mandate has had the greatest impact on Office operations. On receiving this authority, the Office moved aggressively to conduct value-for-money audits within the broader public sector, auditing school boards, hospitals, universities and colleges, social service agencies and Crown-controlled corporations. In fact, close to half of all the Office's value-for-money audits over the past five years have focused on these organizations.

Not surprisingly, the Office has grown significantly since the 19th-century days of Charles Sproule, his two employees and his budget of less than \$5,000. As of 2013, staff numbers about 100 and the annual budget is just over \$16 million.

An Increase in Special Assignments



The Office's enabling legislation has long allowed for the performance of special audits when requested by the Legislature, the Standing Committee on Public Accounts or a Cabinet Minister. These types of investigations were infrequent in the past, but they have become much more common in the past few years.

Some of these special audits have been requested by the Premier or a Cabinet Ministers, while others were requested by the Public Accounts Committee. These special reports offer an independent perspective on what are often high-profile issues, such as the creation of an electronic-health-records system, or year-end grants by a ministry. The attention that legislators, the media and the public pay to the Auditor General's annual and special reports clearly demonstrates that Ontarians view the Office as an objective, professional and non-partisan voice in the pursuit of enhanced government accountability.

125th Anniversary



In 2011, the Office celebrated its 125th Anniversary. [125 Years of Promoting Accountability](#) reflect on our Office's accomplishments.

Expanded Reporting Responsibilities Under the *Environmental Bill of Rights, 1993*



In 2019, Auditor General's mandate was expanded to include reporting on the operation of the *Environmental Bill of Rights, 1993*.

In December 2018, the Legislative Assembly passed the *Restoring Trust, Transparency and Accountability Act, 2018 (Act)*, which closed the Office of the Environmental Commissioner and transferred many of its responsibilities to the Auditor General. In 2019, the Office began to oversee and report on the operation of the *Environmental Bill of Rights, 1993 (EBR)*. The EBR also allows for reporting on the government's progress on energy conservation, greenhouse gas emissions reduction or other environmental issues that the Auditor General considers appropriate. While our Office had conducted value-for-money audits of environmental programs and services prior to 2019, the requirement to review the government's compliance with the EBR each year represented another expansion of the Auditor General's reporting responsibilities.

In August 2019, Jerry V. DeMarco joined the Office as an Assistant Auditor General serving as Commissioner of the Environment. In this role he oversaw reports regarding the *Environmental Bill of Rights, Reducing Greenhouse Gas Emissions from Energy Use in Buildings, and Protected Areas*. Tyler Schulz took over the role on an acting basis in February 2021.



(<https://twitter.com/OntarioAuditor>)

IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*, R.S.C. 1985, c.
C-36, AS AMENDED

Court File No. CV-21-00656040-00CL

AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF
LAURENTIAN UNIVERSITY OF SUDBURY

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

Proceeding commenced at TORONTO

**RESPONDING RECORD OF THE
SPEAKER OF THE LEGISLATIVE ASSEMBLY
OF ONTARIO**

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