

ADMINISTRATIVE AUTHORITIES

LEVERAGING SECTOR EXPERTISE TO DELIVER PROGRAMS AND REGULATORY OVERSIGHT

**ALOC EDUCATIONAL CONFERENCE
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What is an administrative authority?

It is

- ☐ a not-for-profit corporation
- ☐ responsible for the day to day delivery of regulatory services in a particular sector
- ☐ a corporation created by statute or by letters patent

It is NOT

- ☐ part of the organizational structure of government
- ☐ a classified agency
- ☐ a Crown agency
- ☐ funded by government

What is a designated administrative authority

- ❑ a not-for-profit corporation designated under the Safety and Consumer Statutes Administration Act, 1996
- ❑ Purpose is “...to facilitate the administration of designated Acts named in the Schedule by delegating to designated administrative authorities certain powers and duties relating to the administration of those Acts.”

Examples of designated administrative authorities

In the public safety sector:

- ❑ Electrical Safety Authority

In the consumer protection sector:

- ❑ Ontario Motor Vehicle Industry Council

- ❑ Real Estate Council of Ontario

- ❑ Travel Industry Council of Ontario

- ❑ Vintners Quality Alliance of Ontario

Examples of administrative authorities

These entities derive their authority to act from legislation other than SCSAA:

- ☐ Tarion
- ☐ Board of Funeral Services
- ☐ Technical Standards and Safety Authority
- ☐ Retirement Homes Regulatory Authority

What is an administrative agreement?

- ☐ entered into between the authority and the minister
- ☐ sets out the details of the relationship between the entity and the ministry
- ☐ includes minimum standards and requirements that must be met, such as having a privacy policy in place
- ☐ provides for what financial and other information is to be shared with the ministry

The Delegated Administrative Authorities Act, 2012

- The *Delegated Administrative Authorities Act, 2012* was passed but with 33 amendments approved at Standing Committee. The Act builds on the framework of the SCSAA.
- The DAA Act would have several outcomes including:
 - Reduced costs to government
 - Reduced size of government
 - Improved regulatory outcomes - increased compliance activity
 - Continued government, with the responsible ministry using a variety of accountability tools, including administrative agreements, business plans and regular reporting on performance
 - Increased industry engagement through participation on boards and advisory committees

The Delegated Administrative Authorities Act, 2012 cont'd

Other outcomes:

- The Act, if proclaimed, could be used by any ministry to delegate regulatory programs to a not-for-profit corporation (i.e. a DAA). The current SCSAA only allows for Ministry of Consumer Services regulatory programs to be moved to DAAs
- Enhanced governance and accountability requirements under the Act to provide for a stronger oversight and accountability structure for existing and future DAAs
- governance and accountability measures in the Act as proposed by MCS were modernized and brought into conformity with current best practices – the high standards recently established for the Technical Standards and Safety Authority (TSSA) and the Retirement Homes Regulatory Authority (RHRA).
- Enhancements include: strengthened board governance, improved accountability to legislative officers (i.e. the Auditor General), and expanded government oversight powers.

The Delegated Administrative Authorities Act, 2012 cont'd

Status of DAA Act

- The amendments at Standing Committee had a fundamental impact on the DAA Act as introduced and it has not yet been proclaimed in force. For example, one of the amendments prohibits new DAAs from charging fees for five years and others add provisions that allow for direct oversight by the legislative assembly.
- The MCS DAA proposal was aligned with the Drummond Commission's recommendation to give strong consideration to the DAA model, where there is an existing non-tax revenue stream or where such a stream can be created.