

Terms of Reference

Advisory Council on Drinking-water Quality and Testing Standards

October 2004

Terms of Reference for the “Advisory Council on Drinking-water Quality and Testing Standards”

1. Definitions

In these Terms of Reference (TOR):

- a) “the Act” means the *Safe Drinking Water Act*;
- b) “the Council” means the Advisory Council on Drinking-water Quality and Testing Standards;
- c) “the Ministry” means the Ministry of the Environment;
- d) “the Chair” means the Chair of the Advisory Council on Drinking-water Quality and Testing Standards;
- e) “the Minister” means the Minister of the Environment;
- f) “the Deputy Minister” means the Deputy Minister of the Environment.

2. Preamble

The purpose of the TOR is to describe the operational, administrative and reporting relationships between the Minister and the Chair, the Chair and the Deputy Minister, and reflect the powers of the Council as an advisory agency as set out in Schedule C of the ‘Agency Establishment and Accountability Directives’.

The TOR should be used in conjunction with the legislation governing the Council and its constituting instrument to determine how the Council should govern itself. This TOR does not affect, modify, limit or interfere with the responsibilities of any of its parties under law. In the event of any conflict between the TOR and any law, the law prevails.

3. Duration and Review of Terms of Reference

The TOR will become effective on the date of its signature by the parties and will remain in effect for five years or until a new TOR is agreed to by the parties.

The TOR must be reviewed at the expiry of the term or prior to that at the request of any of the parties involved.

4. Legislative Authority

The legislative authority of the Council is set out in Section 4 of the *Safe Drinking Water Act*.

5. Mandate

The mandate of the Council is to provide advice and make recommendations to the Minister of the Environment on matters related to standards for drinking-water quality and testing. Activities of the Council may include but not be limited to:

- a. Review research and scientific and technical documentation related to drinking-water quality and testing standards;
- b. Publish information in the Environmental Registry established under section 5 of the *Environmental Bill of Rights, 1993* and undertake additional consultation with and solicit views from the general public as necessary and provide feedback;
- c. Forward recommendations and their rationale to the Minister within a specified time frame;
- d. When directed by the Minister, provide advice on policies, practices and procedures to be used in the development of standards; and, priorities for the development of standards, testing methods and related research; and
- e. Make recommendations to the Minister on other matters it has identified as being priorities and which merit the attention of the Minister and/or the Ministry.

6. Guiding Principles

The parties agree that they will adhere to the following principles:

- a. The Minister recognizes that the Council is a statutory entity which exercises powers and performs duties in accordance with its mandate under the Act;
- b. The Minister recognizes that the Council operates at “arms length” from the Government;
- c. The Council acknowledges that it is accountable to the Government in exercising its mandate. Accountability is a fundamental principle to be observed in the management, administration and operations of the Council;
- d. As an agency of the Government, the Council conducts itself according to the management principles of the Government of Ontario;
- e. The Deputy Minister will ensure that the support or services provided to the Council are of the same quality and standard as provided to the Ministry’s own line divisions and branches.
- f. The Council and the Ministry must avoid duplication of services.

7. Reporting Relationships

The parties agree that:

- a. The Council is committed through the Chair to the reporting requirements as outlined in Schedule 2 (attached);
- b. The Chair will keep the Minister advised of issues or events that concerns or may concern the Minister in the exercise of his or her responsibilities;
- c. The Minister and the Chair will consult with each other on relevant public communications strategies and publications and will keep each other informed on the results of stakeholder and other public consultations and discussions;
- d. The Chair will provide reports containing the Council's advice on a specified subject and reports commissioned by the Council to the Minister. The public release of said advice or reports shall be at the discretion of the Minister; statements to the press with respect to such advice or reports are not appropriate until the report is publicly released by the Minister; and
- e. The Minister and the Chair will meet as required to discuss issues relating to the delivery of the Council's mandate.

8. Accountability

The accountability of the parties is as follows:

- a. The Minister is accountable to the Legislature for the Council's fulfillment of its mandate, its compliance with Government policies and for reporting to the Legislature on the Council's affairs;
- b. The Chair is accountable to the Minister for the performance of the Council in fulfilling its mandate and for carrying out the roles and responsibilities assigned to the Chair by Management Board of Cabinet Directives and Guidelines, the Council's constituting instrument and the TOR; and
- c. The Deputy Minister is accountable to the Minister for the performance of the Ministry in providing administrative support (including staffing and funding) to the Council and for carrying out the roles and responsibilities assigned to him or her by the Minister, by Management Board of Cabinet Directives and Guidelines, the Council's constituting instrument, and the TOR.

9. Roles and Responsibilities

The **Minister** is responsible for:

- a. Monitoring the activities of the Council to ensure that its mandate is being fulfilled and that it is in compliance with Government policies;
- b. Reviewing, approving and presenting the estimated/recommended annual allocation for the Council as part of the Ministry's Business Plan;
- c. Consulting with the Chair as appropriate when significant new directions for the Council are contemplated or when initiatives are taken to amend any legislation or regulations which may affect the mandate of the Council;
- d. Ensuring that proposed changes to the governing legislation/regulation are accompanied by a recommendation on the continued need for the Council's services and the appropriateness of its mandate;
- e. Recommend appointments and reappointments pursuant to the process for Council appointments established by legislation or by Management Board, after consultation with the Chair as appropriate; and
- f. Meeting with the Chair of the Council as required.

The **Chair** is responsible for:

- a. Directing the affairs of the Council within its mandate as defined by the Act, the Council's constituting instrument and the TOR;
- b. Ensuring that the Council carries out the responsibilities assigned to the Council or its Chair under the Act, the Council's constituting instrument and the TOR;
- c. Providing advice to the Government and seeking policy direction from the Government in specific instances;
- d. Keeping the Minister advised of issues or events that concern or can reasonably be expected to concern him or her in the exercise of ministerial responsibilities;
- e. Ensuring that matters relating to the Council which are of importance to the Ministry are brought to the attention of the Minister and the Deputy Minister in a timely fashion;
- f. Recommending all formal documents related to the fulfillment of the Council's mandate to the Government for approval;
- g. Reviewing the Council's annual budget and bringing it forward to the Minister and the Deputy Minister for approval;
- h. Reviewing the Council's annual report and bringing it forward to the Minister and the Deputy Minister by July 31 of each year;
- i. Ensuring that public funds are used in accordance with management

- Principles of the Government of Ontario - ensuring that the Council operates within the approved funding in the fulfillment of its mandate;
- j. Attending and/or making presentations before Cabinet or committees of Cabinet or the Legislature on matters concerning the affairs of the Council when requested to do so;
 - k. Notifying the Minister of appointment vacancies and making recommendations to the Minister on appointments and reappointments of Council members pursuant to the process for Council appointments established by Management Board of Cabinet;
 - l. Ensuring Council compliance with Management Board of Cabinet Directives and Guidelines, and the Ministry's Administrative Policy Manual;
 - m. Ensuring that conflict of interest matters are handled in accordance with Management Board Directives; and
 - n. Ongoing liaison with the Director of the Ministry's Standards Development Branch to exchange information and ideas related to the administration and operation of the MOE and the Council as they impact upon each other.

The **Deputy Minister** is responsible for:

- a. Advising and assisting the Minister in meeting assigned ministerial responsibility with respect to the Council and ensuring that the Minister is advised of the requirements of Management Board Directive of the administration of agencies;
- b. Undertaking on behalf of the Minister, assessments of whether or not the Council is fulfilling its legislative mandate in concert with approved Government policies; identifying any need for corrective action and recommending ways to resolve any issues that are identified;
- c. Providing a framework for assessing whether the Council is fulfilling its mandate;
- d. Ensuring the ministry is providing the administrative support, financial and other services as set out in the TOR and Schedule 1 (attached) to reflect the same quality and standard as provided to the Ministry's own line divisions and branches;
- e. Meeting with the Chair, as required, to discuss matters of mutual importance to the Council and the Ministry, such as services provided by the Ministry to the Council;
- f. Informing the Council of the policies of the Ministry and the Government that apply to the Council, including financial and administrative, human resources and corporate policies, including policies in respect of French language services, freedom of information, workplace harassment and

- equal opportunity; and
- g. The Deputy Minister may, in accordance with the *Public Service Act*, and applicable Government directives, delegate any of the powers and duties assigned to him or her by law, as they pertain to the Council.

10. Finances

- a. The Council is funded out of the Consolidated Revenue Fund pursuant to an appropriation authorized by the Legislature, unless otherwise provided.
- b. Recovered costs and other revenues, if any, are paid, as received, to the Consolidated Revenue Fund and may not be applied to as administrative expenditures for the Council unless otherwise provided by law.
- c. Financial arrangements are subject to amendment by such revenue policy directives as the Management Board of Cabinet may issue. Financial arrangements may also be changed by amendment to the Council's constituting instrument.
- d. The Council prepares estimates for inclusion in the Business Plan of the Ministry for presentation to the Legislature. The Council will deliver these estimates to the Minister and Deputy Minister in sufficient time to be analyzed and approved by the Minister and Deputy Minister. The estimates provided by the Council may, after appropriate consultation with the Chair, be altered as required.
- e. Financial procedures of the Council must be in accordance with Management Board of Cabinet Directives and Guidelines, the Ministry's Administrative Policy Manual and other directives of the Ministry and Government.
- f. Responsibility for the maintenance of documentation and information to support expenditures is assigned to the Chair as outlined in the Accounting Policy of the Ministry.

11. Audit Arrangements

- a. The affairs of the Council shall be subject to audit by both the Management Audit Branch of the Ministry and by the Provincial Auditor. The Ministry and the Council shall arrange mutually agreeable times for audit by the ministry at least once per annum.
- b. The results of any audit by Ministry staff will be shared with the Chair. The Chair will be accorded an opportunity to enter his or her comments into the audit record.
- c. The Chair shall direct to the Minister through the Ministry all correspondence of the Council with the provincial Auditor in response to the findings, conclusions and recommendations of the Provincial Auditor's

- report. The Chair shall consult with the Director of the Ministry's Management Audit Branch throughout the audit process.
- d. The Chair may request an external audit of the financial transactions or management controls of the Council at the Council's expense.

12. Administrative Arrangements and Support

- a. The Ministry is committed to providing the Council with the full range of financial and administrative support services either directly or through shared service agreements as outlined in Schedule 1 (attached) to this TOR. The services will be provided to the same quality and standard as provided to the Ministry's own line divisions and branches.
- b. The Council is an advisory agency as designated by the Management Board of Cabinet. The Chair will develop procedures and will operate the Council in accordance with all administrative policies established and specified in Management Board of Cabinet Directives and Guidelines and the Ministry's Administrative Policy Manual.
- c. The Council may engage persons to provide professional, technical or other assistance to or on behalf of the Council, and may provide payment or remuneration and expenses of such persons in accordance with the Government's and the Ministry's policy.
- d. If the Council requires consultant or other services, the following shall be adhered to:
 - i. the Council will use the administrative services of the Ministry in developing, tendering and administering contracts;
 - ii. all tendering will be consistent with the procedures contained within the Management Board of Cabinet Directives and Guidelines and the Ministry's Administrative Policy;
 - iii. the Council's signing authority and single/sole authority is in accordance with the Ministry Delegation of Authority Framework;
 - iv. in order to avoid the duplication of services already available from the Ministry, all requests from the Council for either internal or external creative services (i.e. Web page design, desktop publishing, advertising) will be forwarded to the Communications Branch for review and approval by the Director; and
 - v. to ensure documents are in accordance with government graphic design guidelines the Council should forward any changes in graphic designs or any new documents to Communications Branch for review and approval by the Director.
- e. Legal Services to the Council are to be provided by the Ministry of the Attorney General.
- f. The Council may request outside legal assistance when it requires

- expertise unavailable within the Ministry of the Attorney General or when the use of a law officer of the Crown would result in any conflict of interest.
- g. The Ministry of the Attorney General must approve retention of outside legal counsel by the Council. The Council will refer to and comply with the Management Board of Cabinet Directives and Guidelines on legal services and the retention of counsel when obtaining external legal counsel.

13. Staffing and Appointments

- a. The Council is staffed by persons appointed under the *Public Service Act* and eligible for all those rights and benefits accorded under the *Public Service Act*, and relevant collective agreements.
- b. All recommendations for new appointments and reappointments to the Council will be reviewed by the Minister's Office and the Public Appointments Secretariat.
- c. The Council in its dealings with staff appointed under the *Public Service Act* is subject to Management Board of Cabinet Directives and Guidelines.
- d. The Council is also governed by:
- i. the policies of the Civil Service Commission;
 - ii. the human resources manual of the Ministry;
 - iii. the corporate financial and administrative policies and procedures manual;
 - iv. applicable collective agreement provisions; and
 - v. any other applicable legislation or regulations.

14. Conflict of Interest

- a. All members of the Council appointed by the Minister shall abide by the conflict of interest principle and mandatory requirements set out in the Management Board of Cabinet Directives.

FOR THE MINISTRY OF THE ENVIRONMENT

Leon Dombrowsky
Minister

November 5, 2004
Date

FOR THE COUNCIL

[Signature]
Chair

Nov. 10/04
Date

SCHEDULE 1: ADMINISTRATIVE SUPPORT

The Deputy Minister will ensure that the support or services provided to the Council are of the same quality and standard as provided to the Ministry's own line divisions and branches either directly or through shared services agreements:

1. **Financial Administration:** pay and benefits administration, accounts payable and technical advice, purchasing, central mail and printing services, and records and form advisory services.
2. **Human Resources Services:** classification; advice and consultation regarding recruitment procedures and staff relations; job description writing; counselling regarding career planning and staff development; and advice and consultation regarding corporate initiatives such as Occupational Health and Safety, etc. Corporate educational opportunities and career planning services are available and open to Council staff and the Ministry must assist the Chair/COO in ensuring that these are communicated effectively to Council staff.
3. **Information Technology and Telecommunications Services:** advice and consultation.
4. **Internal Audit:** financial compliance, management, human resources and information systems audits; operational reviews and special investigations as required.
5. **Accommodation Planning:** including lease renewals.
6. **Freedom of Information Program:** services as required.
7. **French Language Services:** translation and interpretation services.
8. **Communications:** communications planning, preparation of communications documents i.e. news releases, backgrounders, posting of documents on ministry websites, assistance in the preparation of public documents.

SCHEDULE 2: REPORTING REQUIREMENTS

The Chair ensures that the following reports, statements and documents are submitted to the Minister for review and approval:

1. Annual reports are required by June 30 each year. The Annual report should describe the Council's accomplishments and a list of activities undertaken during the preceding year;
2. Financial reports as required by Ministry's internal financial reporting requirements; and
3. Other reports that may be required by the Council's governing legislation or regulation(s) or reports as the Minister may require from time to time.