

Letter from Technical
Standards & Safety
Authority about this
report

APPENDIX III



**TECHNICAL STANDARDS &
SAFETY AUTHORITY**
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May 10, 2000

Ms. Anne Mitchell
Executive Director
Canadian Institute for Environmental
Law & Policy
517 College Street, Suite 400
Toronto, Ontario
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Dear Ms. Mitchell:

Technical Standards and Safety Authority (TSSA) was pleased to support the Canadian Institute for Environmental Law and Policy in the development of the *New Public Management Comes to Ontario: A Study of the Technical Standards and Safety Authority* by making its staff and records available.

From our inception in May 1997, TSSA has recognized the importance of our accountability to the public for our delegated regulatory responsibilities. The creation of a Consumers Advisory Council and the development of a Board Specific Code of Conduct are examples of actions we have initiated in response to this recognition. As noted in the Study, Ann Cavoukian, Ontario's Information and Privacy Commissioner has recently congratulated TSSA on our impressive request response statistics under our Access and Privacy Code.

As an organization, TSSA is always looking to improve our accountability. As a result, the Study's recommendations directed at TSSA will be closely reviewed. In particular, TSSA will review with our Board the Study's proposed improvements to our Code of Conduct.

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With regard to the application of the *Charter of Rights and Freedoms*, *Statutory Powers Procedures Act* and the *Judicial Review Procedures Act*, TSSA has always been and continues to be of the opinion that these procedural protections apply, as a minimum standard, to the exercise of our delegated regulatory authority.

TSSA recognizes that there are many factors affecting the state of public safety for those matters over which we have delegated authority in Ontario. Safety outcomes are best viewed by examining long-term trends and credit for positive results should be taken cautiously. Nonetheless, TSSA is proud of our safety outcomes to date. Starting this year, TSSA will include as an integral part of our Annual Report a detailed report on the state of public safety in those areas of delegated authority. Persons interested are invited to review the Report and attend our Annual General Meeting on September 13, 2000 at The Old Mill, Toronto, Ontario.

Moreover, while over the last few years other government regulatory regimes have reduced their compliance activity levels, as noted in the Study, TSSA has maintained and in many areas significantly enhanced our compliance activities. In part, this is a reflection of the benefit of shielding public safety funding from government fiscal constraints. In our opinion, it is also an indication of the overall efficiency of the model.

On a standalone basis, the level of judicial fines is not an effective measure of compliance. For example, the overall reduction in the size of such awards noted in the Study may reflect a number of factors, including a reduction in the severity of non-compliance. On April 25, 2000, an Ottawa Provincial Court issued a \$145,000 fine against a bungee-type amusement device operator convicted under the *Amusement Devices Act* for an incident that resulted in a fatality. By awarding the highest fine ever issued by a Court under any of the TSSA administered statutes, the Courts have clearly indicated that they will not tolerate substantive non-compliance in the area of public safety.

TSSA believes that the value of our services can be demonstrated to all persons and encourages initiatives that examine these benefits, while at the same time, identify opportunities to improve the model and our delivery.

Yours truly,



John Walter
President & CEO