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Official Report of Debates (Hansard)

Wednesday 26 September 2001

Journal des débats (Hansard)

Mercredi 26 septembre 2001

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government agencies**

**Comité permanent des
organismes gouvernementaux**

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Wednesday 26 September 2001

Mercredi 26 septembre 2001

The committee met at 1005 in room 151.

ELECTION OF VICE-CHAIR

The Chair (Mr James Bradley): I'm going to call the meeting to order now, if I may, in the interest of time and those who are here. We will have a couple of additional items of interest to members of the committee and a couple of motions that must be made in terms of a Vice-Chair and in terms of membership of the committee. I believe Mr Wood has a motion.

Mr Bob Wood (London West): I move that Mr Gravelle be elected Vice-Chair of the committee.

The Chair: Any discussion?

Mr Bert Johnson (Perth-Middlesex): Has he got a campaign speech prepared?

The Chair: The shortest campaign speech may be the most popular one.

Mr Michael Gravelle (Thunder Bay-Superior North): I'd be honoured to serve.

The Chair: We have heard he's honoured to serve, so that's good news. There being no further discussion, I'll call the vote. All in favour? Opposed? The motion is carried.

SUBCOMMITTEE MEMBERSHIP

The Chair: We also have a change of composition of the committee. I believe Mr Wood has a motion in the regard.

Mr Wood: I move that the membership of the subcommittee on committee business be revised as follows: that Mr Gravelle be appointed in place of Mr Crozier.

The Chair: Any discussion of that matter? If not, I'll call the vote. All in favour? Opposed? The motion is carried.

SUBCOMMITTEE REPORTS

The Chair: We next have a report of the subcommittee on committee business dated Thursday, September 6, 2001, which members have.

Mr Wood: I move its adoption.

The Chair: Any discussion? If not, all in favour? Opposed? The motion is carried.

The report of the subcommittee on committee business dated Thursday, September 20, 2001.

Mr Wood: I move its adoption.

The Chair: Any discussion? If not, all in favour? Opposed? The motion is carried.

We now proceed to the appointments review.

INTENDED APPOINTMENTS
BENSON LAU

Review of intended appointment, selected by third party: Benson Lau, intended appointee as member, Toronto Police Services Board.

The Chair: Our first selection is Dr Benson Lau, who is the intended appointee as member, Toronto Police Services Board. Dr Lau, you may come forward, sir. As with everyone who comes forward, I have pronounced your name correctly, I hope.

Dr Benson Lau: You have.

The Chair: Good. Dr Lau, we're very pleased to have you with us today. As you may be aware, you have an opportunity to make an initial statement, if you see fit, and then there will be questions by each of the three political parties that are represented on the committee. Welcome to the committee, sir.

Dr Lau: Thank you, Mr Chairman. Good morning, ladies and gentlemen. My name is Benson Lau. I'm a resident of the city of Toronto. My profession is family physician.

To begin with, I wish to thank the government for my nomination to the police services board and this standing committee for the opportunity to present my credentials.

It is indeed an honour and privilege to have such a great opportunity to serve the community in the capacity as a member of a distinguished organization, the Toronto Police Services Board. For many years I have been involved in the community. I have gained knowledge about the community's expectations relating to police services. The community in general has high praise for our officers who have conducted themselves well in public.

I have also gained some insights into police culture as the chair of the Chinatown Community Police Liaison Committee. Officers sometimes feel that some requests within the community are within the domain of the social agency and should be dealt with as such. They sometimes are frustrated with the lack of co-operation and support from the community when investigating a crime. When I became a member of the Ontario Civilian Commission

on Police Services, I gained a more in-depth understanding of policing in Ontario and the rules and regulations that govern our police services.

1010

There are many vested interests within a service: the board, the chief and the union or association. Knowing what the community wants, how the police feel and the rules that govern them, now is the time for me to apply what I have learned in the past and to act for the community.

My interest is in community policing. I feel that police services cannot function by themselves. They require co-operation from everybody. I have found that many problems could be better resolved if there's a channel of communication available. I believe that community policing may be the tool.

I feel that Toronto is moving in the right direction. First it changed its name to "police services" from "police force," which softened its image. Then the establishment of a community police liaison committee in every division created an effective communicating channel. It has increased its sensitivity with training for its officers in respect of minority groups through its education programs.

My job, if appointed by this committee, is to work with all interested parties to continue to foster these positive changes.

The Chair: Thank you very much, sir. I can always begin with Mr Marchese, but if he is not ready yet, we'll be happy to start with the official opposition. So why don't I do that? I'll start with the official opposition.

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): Good morning, Dr Lau. I've noticed in your bio that you have had some political aspirations.

Dr Lau: Yes, I do, and I have tried it a couple of times.

Mrs Dombrowsky: Are you involved politically at any other level? Are you a member of a political party?

Dr Lau: Yes, I am. I'm a member of the Progressive Conservative Party.

Mrs Dombrowsky: Very good. How have you come to be nominated for this role?

Dr Lau: I heard of the vacancy through a third party. I made an inquiry and then I applied for the position. As I said, I know the police service well at this moment in time and I'd like to use what I've learned to better serve my community, to see if I could foster positive changes.

Mrs Dombrowsky: I'm sure you're aware, with regard to the Toronto police department and Chief Fantino, that there has been a good deal in the media about the disagreements between the chief and the rank and file. Do you have any comment on that? Is it a concern to you?

Dr Lau: I think if I got appointed as a member of the police services board, my job would be to oversee the provision of adequate and effective standards of police services. As long as the actions do not jeopardize that service provision, then I will be happy with it. Under the

Police Services Act, there is a certain obligation and responsibility for the chief, if it's within his domain, to carry out his orders or to make those orders, and it is the duty of the officers, the rank and file, to obey that lawful order. The Police Services Act has outlined that responsibility and obligation.

As I said in my opening statement, a lot of problems could be resolved with a proper communication channel. A lot of problems don't have to be too confrontational. They could be resolved with a dialogue.

Mrs Dombrowsky: I understand. So when you say "dialogue," are you suggesting, then, that misunderstandings and disagreements could be resolved with a two-way dialogue?

Dr Lau: That's right.

Mrs Dombrowsky: Initially you opened your remarks saying that the chief is sort of the head and the officers are responsible to take orders from the chief. I see that as a sort of one-way direction.

Dr Lau: The chief has to carry out his job according to the act, according to the priority and policies set by the board. So as long as the board did not see any deviation or any dangers in the chief's actions of providing police services to the community, then the board should not interfere, because that is within the domain of the chief. But when the board sees that there's jeopardy in the provision of police services, then the board should act.

Mrs Dombrowsky: Yes. I would suggest that when there is that kind of division, probably the community is not getting the very best police service, when there's that kind of bad blood within the groups of people who are providing those services. Your role as a member of the police services board, then—

Dr Lau: Is to foster a better relationship between all parties, not just the association and the chief. We should foster a better relationship among the community, the public in general, the association, the chief and the municipal politicians. We are accountable to the municipal politicians as well.

Mr Gravelle: Dr Lau, good morning.

Dr Lau: Good morning.

Mr Gravelle: I notice that you are chairman of the Chinatown Community Police Liaison Committee and I'd like to hear a little bit about that. But one question I wanted to be clear on was another important position you hold as a member of the Ontario Civilian Commission on Police Services, which is an important position. But I would presume that's a conflict in terms of this position. So are you still a member, or are you planning to resign if you are appointed today?

Dr Lau: Yes. I am currently still a member of that commission and I will resign when my nomination has been confirmed.

Mr Gravelle: All right. Thank you very much.

In terms of your work as chairman of the Chinatown Community Police Liaison Committee, when was that formed, and what do you consider as being some of the more significant achievements in terms of obviously working with the police force? I must tell you I'm also a

huge fan of community policing. I come from Thunder Bay, Ontario. We think community policing has been a real key to improving the services and people's comfort level with the police force and police officers. We believe in that as well.

I'm just curious, if you can in the little bit of time we have left tell me what you think some of the key elements of your role have been as chairman.

Dr Lau: The CCPLC was formed in 1996. I was the founding chair of that committee. During my years with the liaison committee, I found that most common from the committee is a lack of sensitivity, especially with the ethnic community. They said the police, when they come in, don't spend time with the victim or with the family of the victim of the crime. But at the same time the officers will say that they have not received enough co-operation from the community, that in a sense they don't report the crime. A lot of times the crime is reported through a third party just telling an officer that there was a crime committed in the community, that there may have been a robbery there, but the victim of the crime did not come forward.

My job as chair of the CCPLC is to bridge that gap to bring the parties together. Within that year, I think, an incident happened in Toronto, the Edmond Yu case. The person was shot in the TTC bus down at Harbourfront. It generated strong emotions in the community. Our committee was very effective in dissolving the tension between the police services and the community. We held a press conference with the senior staff attending, senior officers attending that event. It was covered by the Toronto Star. Through that meeting a lot of tension was defused, and I was quite happy with the outcome of that event. We found the CCPLC were effective in those matters.

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Mr Rosario Marchese (Trinity-Spadina): Welcome, Mr Lau. We should just tell the other members that Mr Lau and I know each other. We are of two different political parties and we know that, but we have a very respectful relationship with each other.

The Chair: Something like the Legislature.

Mr Marchese: This is true. Although we attack each other from time to time, we are very friendly, and I have that friendly relationship with many Liberals as well.

Mr Lau, some quick questions here: Mr Bromell has been a very controversial individual, obviously, and I just wondered how you might deal with some of the questions that might arise as a result of anything he might do and/or say. In September 1999, Mr Bromell threatened to launch a work-to-rule campaign, whereby his members would only respond to emergency 911 calls if the board did not agree to a wage settlement with the police association. And in a November 1999 appearance on the CBC's Fifth Estate, Mr Bromell declared that his association was prepared to hire private investigators to collect information about public figures the association had identified as its political enemies. What is your sense of how to deal with those questions that arise that are somewhat problematic

for many people in our society? How would you, as a member, deal with questions like that?

Dr Lau: I think that my experience from the Ontario Civilian Commission on Police Services will come in handy in this situation. Civilian government is a cornerstone of government. The Police Services Act has outlined what the association, what the chief, what the board can or cannot do. As long as Mr Bromell's actions did not violate any rules or regulations or law, then in our democratic society we should allow that to carry on. We should not interfere just because we don't like it. I think it reflects well in the past few events that when his actions jeopardized the police services image or the effectiveness provision, he was ordered to stop and he obeyed that order. So that reflects quite well how the institution has been functioning. I don't see the current matter as the major problem, although it has to take its course in any event. Eventually, it will settle.

Mr Marchese: Yes, eventually it will get settled one way or the other; you're quite right. But there have been a number of people who have been critical of him and of the association generally, and when that happens, you could be faced with a great deal of attack by the association. You're familiar with Ms Judy Sgro. Throughout 1998, the police association engaged in public exchanges with the then North York councillor and police services board vice-chair Judy Sgro, who had criticized the conduct of a police chase in May and other things. She felt hounded by the association and Mr Bromell in particular—to that extent that of course one is forced to leave. How would you deal with that? If you said something that was controversial that Mr Bromell and the association didn't like, how would you cope or deal with it?

Dr Lau: I think a lot of police changes require the board's support. I don't think Mr Bromell will go out of his way to upset a board member. At the same time, we have a job to do. It's prescribed by the legislation, and as long as I do my job according to the act, then I should be OK. With any party in the agency or the organization, I should not worry whether I would upset anybody. My job is to oversee the provisions of the Police Services Act.

Mr Marchese: I understand. I'm assuming Ms Sgro was playing the same role you say you are about to play. Are you thinking maybe Ms Sgro should not have said some things she said in the past? Is that what you might be saying?

Dr Lau: I will not make any comments on comments made by somebody else. I can only tell you what I would do.

Mr Marchese: I understand.

Dr Lau: I think my track record will show I do not like confrontation.

Mr Marchese: I appreciate that. Can I ask you another question?

Dr Lau: Yes.

Mr Marchese: People of colour have some concerns about the police, generally, in terms of their sense of disproportionate mistreatment and the disproportionate

number of people, particularly from the black community, who get shot. There's a great deal of mistrust of the police by them. What is your feeling about that, and what would you say and/or do to deal with those differences and/or problems that are there in the community?

Dr Lau: I think my appointment will reflect the changes. Being a member of the ethnic community, my appointment would show the community that police services are still under a civilian government. At the same time, in the declaration of principles of the Police Services Act, the services are supposed to reflect the community they serve, besides providing protection and security to the community. They're supposed to reflect the needs of the community.

Mr Marchese: I understand that part. It's good to have a person of colour on the Toronto Police Services Board, absolutely. But I raise a different problem: the people of colour have a distrust and feel that the police disproportionately kill a lot more black people than others. I was asking you how you would deal with either that feeling or that problem. Yes, they appointed you, and that reflects well on the government in terms of appointing someone who is a person of colour. But how do you think we should deal with the problem that people of colour have?

Dr Lau: Right from the beginning I've said my interest is in community policing, and through that initiative I hope I could develop some policy or channel where dialogue could be maintained between officers and the community. Through this communication channel, a lot of things, a lot of misunderstandings could be resolved.

Mr Marchese: Thank you, Mr Chair. I think those are the only questions I've got.

The Chair: We will now move to the government. Mr Mazzilli.

Mr Frank Mazzilli (London-Fanshawe): Clearly, I'm encouraged by your answers to the questions of the opposition members, Doctor, particularly your answer that your job is not to make the law but to abide by the current laws under the Police Services Act and not bring your opinions to whether a member is conducting himself or herself appropriately, but whether they've done something wrong. I'm encouraged by those comments.

I also want to offer a bit of advice on community policing, if I could, because we hear so much about it. It's like pie in the sky. If I ask Mr Marchese or Mr Gravelle what it is, I'll bet I would hear different opinions of what community policing really is, because in fact nobody really knows.

Mr Marchese: What's yours?

Mr Mazzilli: My opinion is that we did community policing better 20 or 30 years ago than we do today. It is officers on the street, on foot in cases where you can, and the most that you can.

Through time, we decided we were going to put a lot of resources into educational programs. In some cases they worked, particularly on impaired driving with our young kids. But we've put so many resources into educating everyone every time there's a criminal problem,

when in fact we're educating 99% of the population who are never going to do anything. Therefore we never really prevent anything five years from now. The numbers keep going up.

My recommendation to you would be that if you truly want to get back to community policing—there are always going to be calls for another educational program, and you're going to have human resources issues to deal with—always stray on the side of putting some people in the community, on the street, walking when you can. That is my only bit of advice.

Dr Lau: Thank you for your recommendation. I'll take that into consideration.

The Chair: Thank you, Mr Mazzilli, for your advice. Mr Johnson.

1030

Mr Johnson: Dr Lau, you were a member of the Ontario Civilian Commission on Police Services?

Dr Lau: That's correct.

Mr Johnson: Are you still a member of that body?

Dr Lau: Yes, I am.

Mr Johnson: Will this preclude you from serving on both?

Dr Lau: Yes.

Mr Johnson: I see. Were you a member of that board when Mrs Karlene Hussey was on that?

Dr Lau: No.

Mr Johnson: I also want to say how disappointed I am that you're running for this office, because you're a family physician and we need doctors badly in all our communities.

Dr Lau: This is a part-time position.

Mr Johnson: Yes, and I hope you'll take that lightly, because that's the way it was intended.

When you were helping with the stress testing at Toronto Western Hospital, was that under what is called the SPACE program?

Dr Lau: It's a separate program. We are part of the SPACE program, which was initiated several months ago.

Mr Johnson: Was that with Dr Jean-Lucien Rouleau?

Dr Lau: I believe so. I cannot confirm that for you.

Mr Johnson: OK. Dr Lau, I just want to say that I judge people by the company they keep and the things they contribute to their community. Your contribution to your community is impressive, and I'll have no problem supporting your appointment.

Dr Lau: Thank you very much.

The Chair: There being no further questions, Dr Lau, thank you for being with us today.

MURRAY CARDIFF

Review of intended appointment, selected by official opposition party: Murray Cardiff, intended appointee as Chair, Agriculture, Food and Rural Affairs Appeal Tribunal/Board of Negotiation.

The Chair: Our next intended appointee is Mr Murray Cardiff, intended appointee as Chair, Agriculture, Food

and Rural Affairs Appeal Tribunal and Board of Negotiation. Welcome to the committee, Mr Cardiff.

As I know you heard me say earlier, you have an opportunity, should you see fit, to make an initial statement, and subsequent to that we will have questions from each of the three political parties. We'll be starting with Mr Marchese when we do that.

Mr Murray Cardiff: Good morning, Mr Chair and members of the committee.

I want first to thank you for the opportunity to come to the Legislature and meet with you and hopefully explain some things about the tribunal and myself and why I feel I can work with and help this tribunal.

Before I do that, I should talk a little bit about my career history. I think most of you probably have some information indicating that I served as a member of Parliament from 1980, for three months short of 14 years, representing the riding of Huron-Bruce. During that time, we maintained our farming industry; I have two sons who are both farmers, which allowed me to continue doing what I was doing and still maintain what we called a family farm. When, I could say, I lost my job in 1993—as we all know, in politics those things happen and that's life and we all expect it—I had something I could return to. When you return to places you've been away from for a number of years, you have to make sure to remember that your wife and family have been operating things while you've been gone. I probably had to make some adjustments in my life when returning, to say I was not the boss any more and that I had two sons and a family who carried on and did very well while I was doing other things.

Since the time I returned, I still have a 200-acre farm where Betty and I live. Both our sons are very close and have expanded their farming operations as well. So we continue to farm. We also have a daughter who lives in London and works as a manager for Ernst and Young.

On our farm, for years now, we have produced pedigree seed. We are all pedigreed seed growers. I think I have completed 25 years as a seed grower and it was two years ago I received the Robertson Association award, which is given to a few seed producers throughout Canada on an annual basis. The year that I received it there were probably two or three of us who received that award. I guess it would be because I was a seed grower, but also I helped develop and steer the plant breeders' rights legislation through the federal House of Commons at that time.

I also kept very active in our community, sometimes more active than I would like, but when you retire from politics, or whatever the situation might be how you leave, everybody else thinks that you have an ample amount of time to do all of these jobs in your community. But the first project that I was involved in was in our church. We had an access committee. We put in a new lift and made access for all those who wished to attend much easier. I chaired the homecoming celebrations for our community shortly after that. Then on March 20, 1997, I was appointed to the Farm Products Appeal

Tribunal, in rural affairs, which it was at that time. Then, as you are aware, all of those tribunals were amalgamated at one time. There were some cross appointments made shortly after that from other tribunals and then eventually it all amalgamated. I still continue to serve as a panel member on those amalgamated tribunals.

I have been in corporate fundraising for the International Plowing Match when it was held in Huron, and that's not always fun but you always meet another group of people who get some joy in doing those things as well.

I'm the present revenue chairman for the world plowing match, which is going to take place in Elora, Ontario, in 2003. Probably someone from my committee will be visiting some of you people for your involvement in that event when that takes place.

I'm also chairman of the board of managers of our church, and those are always challenges as well.

I want to say I have enjoyed working with the appeal tribunal and the members of that tribunal. I would like to think that I have made a contribution and I feel I can make a further contribution as the chairman of that organization. I should tell you—maybe you know this—that we have not had a chairman of the tribunal since February of last year. Mr Jim Rickard had chaired it, I believe, since 1992. The appointment had come up and he was not reappointed, but it was some time before anyone was aware that he was not going to be reappointed. At the same time that this was taking place, the marketing secretary-manager who was employed by the tribunal retired and a new person was hired. So it has been difficult in some ways being without a full-time chair. We have some excellent vice-chairs, and the one chair who has more than taken the lead is Dr Denis O'Connor, a veterinarian from the Markham area. He's done an exceptionally good job, but we know it's a tribunal that needs leadership and it has gone, as I say, since last February without a full-time chairman.

I feel I work well with others and I believe I have leadership skills. I developed those when I was in Ottawa because I chaired government House committees and then served as parliamentary secretary to various ministers, and not always agriculture. I did spend two and a half years with the federal Solicitor General. As a farmer, I can tell you that was quite an experience, to be put into a situation of policing and corrections. But I believe it helped develop further skills by being able to be in that position. To have leadership skills means that you have to probably help form a direction, and it helps you to make that decision that is necessary at the end of some of the hearings.

1040

I have a great understanding, I believe, as a farmer, because most of the things we deal with are agriculture-related or rural property areas or marketing of some kind, and I have worked with a lot of the farm organizations over the years. I understand them. We do have quite an array of problems that come before us. We take them as they arrive, and hopefully we can make our list come more quickly, that those who are aggrieved by some

situation get an opportunity to appear before us much more rapidly. The process sometimes, before things get to us, takes some time and there is some frustration with some of the appellants who do appear because of the time that it's taken.

We have quite a number of boards. We have the farm products, we have drainage, we have crop insurance, farm machinery and farmland tax that we all deal with, all of those areas, and I believe they are very important.

I believe I could operate a tribunal as Mr Rickard did and our vice-chair has done, where it has made an appellant, no matter who he or she is, feel comfortable in front of the panel. There is a formality that has to be followed. We have to recognize we're not a court; we are a quasi-judicial group that has the authority to make decisions. But we want to maintain a feeling, for those who wish to appear before us without having counsel or representation, that we can have an atmosphere of comfort for those people to appear and present their feelings.

Once again, thank you for the opportunity of coming before you and I look forward to your questions.

The Chair: Thank you very much, sir. We'll begin with Mr Marchese of the third party.

Mr Marchese: Mr Cardiff, I just want to immediately admit my ignorance of agriculture and farming, generally speaking. It's normally limited to my vegetable garden. There's a lot of vegetable gardening in Toronto, I should tell you; it's quite big. But that's the extent of my knowledge.

What I want to ask you, based on your experience, is there something that you have done in the last couple of years, or obviously as a member, that you feel works well or that you feel ought to change to make it better?

Mr Cardiff: We handle so many different cases and every case has a difference to it. We do have to work within regulations. I know that every one of you recognizes and knows that we don't make the law; we have to abide by the law. There are times when you're going through the process and there are little things you might see that you would like to see changed, and sometimes that might just be the process of change. Of course, you sometimes come across some pieces of legislation that you think if this were changed, it would probably help that particular industry in some way.

When you mention your vegetable garden, that doesn't come under any regulation, I should mention to you as well. There is the Ontario Fruit and Vegetable Growers' Association. Until you expand your garden, I think you're all right.

Mr Marchese: I appreciate that.

A quick question. I'm sure you're familiar with this, but I want to read the researcher's comments on this and see whether you have any opinion on it:

"The Chicken Farmers of Ontario is challenging a December 1999 ruling by the Farm Products Marketing Commission which it claims fundamentally alters the balance of power between the chicken farmers and the chicken processors. According to the CFO, the com-

mission ruling would remove the CFO's authority to determine how much chicken will be grown in Ontario, based on its estimate on how much the market can handle. Instead, the processors would place orders with the CFO. If allowed to stand, the commission's decision would undermine the CFO's authority to control supply, which is a basic principle of supply management by marketing boards."

This is a piece of research that we were given here. Do you have a sense of this issue or a sense of where you'd want to go?

Mr Cardiff: I'm one of the panel members hearing that case at the present time. This has probably gone on record as being the longest hearing. We've had to extend the time frame or deadline because of the number of people involved in this program. At the present time, we have sat a total of 29 days on that hearing, and I believe for the month of October we have eight further days designated to that hearing. I'm somewhat unable to indicate anything further about the case because it is still before us and I would not want to make any comment that would indicate one way or the other.

Mr Marchese: Of course. With 29 days, and eight days to go—you said many people have come before you. Are those individual folks—

Mr Cardiff: The Canadian national restaurant association, the further processors—we have an independent processor who isn't represented by anyone else but himself. We have two interveners we haven't heard from yet. We have not got all the presentations in at this time. I don't think I would be out of line in saying that we hope to finish the presentations fairly soon and then go to summations.

Mr Marchese: Mr Cardiff, I really don't have much more to say. I'm interested in the other members, of course, because they have a great deal of experience in this. But I appreciate the experience you bring. I suspect that you will, yes, make people feel comfortable as they come before you. You seem very personable. I'm sure you will do the job very well.

The Chair: I hate to tell you this: there is no time left for the government. But since Mr Marchese took less time, and with the permission of the entire committee, I would like to give the members of the governing party some chance to ask questions.

Mr Johnson: I'll waive the time that I don't have.

The Chair: I think Mr Ouellette wanted to ask a question. Is that all right with members of the committee?

Mr Jerry J. Ouellette (Oshawa): First of all, who was the minister when you worked under the Solicitor General? Was that Lewis or was it Campbell?

Mr Cardiff: That was Jim—from northern Ontario—

The Chair: Kelleher?

Mr Cardiff: Jim Kelleher.

Mr Ouellette: My main question is that I have some strong personal concerns with genetically modified crops, and seeing that you're a seed producer, in positions like this it's important for people to get a sense of who we're

appointing and what their positions are in regard to a lot of these. Can you explain briefly what your position is or what your beliefs are in regard to genetically modified crops, whether it's as a feedstock or whether it's for human consumption?

Mr Cardiff: That's extremely difficult because there are varied opinions and I think an awful lot of misunderstanding sometimes. I believe it's an area where we need to walk extremely slowly to see what the long-term effects are of altering. I do have some concerns with the genetic modification of plant seeds, and the same with animal seeds as well. I think it's something that needs to be studied to see what the benefits are. We can say that, yes, we can see benefits to underdeveloped countries where they could take some of the seeds that are genetically modified and produce seeds much easier than they can at the present time. But that doesn't mean that it's right. I can't give you a clear and definitive answer. I believe it's something that we can't just forget about. I believe we have to deal with it.

My biggest concern is maybe those who are developing the genetically modified seeds where you have to use a chemical in conjunction with that seed to grow it. That would be my biggest concern, where you lose your ability to change seeds or whatever because you have to use all of their products to maintain that variety, such as Roundup Ready soybeans.

We have to remember too that in plant breeding every time you gain something you lose something. It could be in the quality of the product that you are producing. We have gone to some of the hard red wheats, so I'll use that as an example. It's not genetically modified but they have taken genes to strengthen the stock. Now you're finding that the stock lies in your field probably a year to two years longer because you have maintained that stronger stock. It doesn't germinate as quickly. It still produces a good seed, but then you're dealing with the waste or the stubble, or whatever you want to call it, for a longer period of time. Little things like that make you recognize that every time you gain something you lose something. You maybe could produce the best white bean in the world, a beautiful plant that will stand, but you might produce a bean that you don't want at all. So I think it's a very cautious—it's an emotional area, very emotional, and I think a lot of times statements are made where the public aren't totally informed as to what are really genetically modified crops.

Mrs Dombrowsky: Good morning, Mr Cardiff. With regard to your intended appointment as chair, you are already on the appeal board.

Mr Cardiff: That's right.

1050

Mrs Dombrowsky: How is it that you have come to find yourself as the intended appointee? Has someone approached you? Is this something that among the members of the board collectively you decided that it might be in the best interests? You talked earlier about the need for leadership, that someone should go forward, someone should offer to be in that role and collectively

you've agreed that it might be you. How is it that you find yourself nominated for this role?

Mr Cardiff: Initially, I don't think any of us as panel members had expected the previous chairman not to be reappointed. Then we realized that was not going to happen. I had indicated that I would be willing to sit as a vice-chair, at that time. Then when we realized there was not going to be a reappointment of the chairman, the vice-chair, Dr Denis O'Connor, and the marketing manager approached me to see if I would consider letting my name go forward as the chairman of the tribunal.

It's an area I feel very strongly about. I feel it needs leadership and I care enough about the areas we represent that I feel strongly I want to do that and have the opportunity to lead the group of people that we have.

Mrs Dombrowsky: So it was basically discussed among members of the board.

Mr Cardiff: It was not widespread. It was within a few people. I don't know whether the former chairman had anything to do with it or not. I don't know that.

Mrs Dombrowsky: The former chair chose not to stay in that role?

Mr Cardiff: I don't know. I never met with the former chair until the night before last. It was the first time I met with the former chair since he chaired.

Mrs Dombrowsky: Oh, really?

Mr Cardiff: So I have had no discussion with him until just last Monday evening.

Mrs Dombrowsky: I'm trying to determine, would the former chair have been interested in continuing in the role and simply wasn't reappointed, or chose not to pursue that?

Mr Cardiff: No, I believe that he probably would have continued as chair. I can't really answer that. But I have to tell you that I had great respect for him. He showed good leadership and he conducted exceptionally good hearings. If I'm appointed, I hope I would have that same ability to do that. I've worked with him since 1997 and I have a great understanding of how he conducted his hearings and I would hope that I can follow that to a great extent.

Mrs Dombrowsky: Yes, I'm always curious, when someone does so very well in a role, as to why they might not be reappointed. I do thank you for your comments, though.

Mr Cardiff: I think we have to remember too that a lot of appointments, whether it's written or unwritten, sometimes they're six years and sometimes an appointment is only for one, two or three years. Then if the sitting government decides to extend it, they extend it to a further appointment. If I happen to be selected as chairman, I have to be honest, I don't know what the length of the term is. I have not asked that question.

The Chair: It's like when you were in Parliament.

Mr Cardiff: That's right.

Mr Steve Peters (Elgin-Middlesex-London): Mr Cardiff, thanks very much for coming. I have to take exception to a recent decision that you were involved in and that's over the closure of the tobacco auction in

Tillsonburg. I believe that was dealt with by your committee.

Mr Cardiff: I have no knowledge of that.

Mr Peters: No? OK.

Mr Cardiff: That would be the farm products marketing council, because I don't believe the tribunal has the authority to do that.

Mr Peters: You made a comment to Mr Marchese that you don't make the laws, but that you abide by them. Right now, we've seen in the province there's been a real shift in assessment values to agricultural land. A lot of the tax bills have gone out. My phones are lighting up in my constituency office. There's been a great deal of talk that we're going to see changes to the Drainage Act and who knows what the future of it is right now.

As the chairman, if you see that the direction the Ministry of Agriculture is going in is something you don't feel may be appropriate or in the best interests of those in the agricultural community—recognizing you don't make the laws, you abide by them—how receptive are you to getting in touch with the Ministry of Agriculture, if it was an agricultural issue, to say, “Look, we're dealing with quite a few assessment appeals right now, quite a few drainage appeals. You need to look at this.” How would you react to something like that?

Mr Cardiff: I always have felt that for any tribunal, whether it be drainage, farm products, whatever it is, where a change is going to be made or where a change should be made, there is an obligation on that tribunal and the chair to make an effort through the proper channels as to the concerns about what is there or what is being proposed. I strongly believe that should happen, and I would certainly do that.

Mr Peters: You're from Huron county. I was in Holmesville dealing with the nutrient management legislation. Seeing that under the board of negotiation, under the EPA, there are issues there from a spill standpoint, with this new legislation, what will you do as a board? Will you try and review what the new legislation and regulations are saying to ensure that the decisions you make are going to coincide with the intent of new legislation and regulations?

Mr Cardiff: I'm not sure that we have a mandate to review that legislation, but we should understand that legislation. I should point out to you as well—I know this is reasonably new—that in the time I have been with the tribunal, and I understand since 1992, when Mr Rickard was the chairman, there's never been anything before the board of negotiation. But that doesn't mean it's not going to happen, and we have to be prepared. The board of negotiation is only called in, as I understand, when the parties have failed to reach an agreement as to the compensation of damage that has been done. We are probably seeing a time when more and more of those things are happening, and unfortunately many of them end up in a court of law to be settled.

Mr Peters: I see that crop insurance appeals, as far as your workload is concerned, is not one of the heaviest issues that you deal with.

Mr Cardiff: It's one we do deal with, though.

Mr Peters: Yes, I see that you do, but there are others that you seem to deal more with.

As far as the crop insurance and the whole question of Agricorp is concerned—again, it kind of goes back to that question—I think we've got to continually find better ways to do things. If, for example, you were noticing some issues coming before you as far as appeals are concerned that maybe weren't in the best interests of farmers, how would you deal with that? Would you be again notifying somebody within the ministry that we've got a problem here?

Mr Cardiff: I will use the example of crop insurance hearings. It could be presented in the findings, the difficulty with the legislation and the frustration, possibly, with that legislation. It could be pointed out there. There again, that is something that needs to be brought to the attention of others and find its way to the minister's office. I do believe a lot of those things find their way to the minister's office long before it comes to us too. But as times change we have to recognize that it requires different things to happen, because crops change, and the weather patterns the last few years have been unusual to what we've experienced in agriculture over the last number of years. We've had extremely dry times, we've had extremely wet periods and we've had pockets of dry weather. With crop insurance it's difficult to have one policy that covers all areas. Perhaps there are some areas there that should be addressed.

Mr Peters: I guess that leads right into another question. If there are other areas that need to be addressed, or in dealing with what you deal with now, who should conduct a review to ensure that as chairman of the board, you're dealing with the appropriate, whether it be assessment board or negotiation, farm implements—I don't know the last time that the makeup of your body has been reviewed, but in your opinion are there other things that your board should be looking at that you're currently not looking at?

1100

Mr Cardiff: I have been asked by individuals if we could assist them in their endeavours, but it's not in our legislation to have those people appear before us. That would be up to the government of the day to designate any further tribunal work toward us, outside of what we presently have.

The Chair: Your time is just up as well, so it works out perfectly. Thank you very much, Mr Cardiff, for being with us today.

DOM CARUSO

Review of intended appointment, selected by third party: Dom Caruso, intended appointee as member, Council of the Ontario College of Art and Design.

The Chair: Our next intended appointee is Mr Dom Caruso, intended appointee as member, Council of the Ontario College of Art. Welcome to the committee, sir. I think you know the rules. You're permitted, if you see fit,

to make an initial statement. You don't have to, but you're certainly permitted to do so.

Mr Dom Caruso: I would like to, if I can.

Good morning, everyone. I'm honoured to be a candidate for the appointment to the Council of Ontario College of Art and Design. I'm a big believer in the school and I feel I can make a valuable contribution as a member of the council.

Let me just introduce myself. My name is Dom Caruso. I'm president and CEO of MacLaren McCann Canada. I am a graduate of the Ivey School of Business at UWO. I've been in the Canadian marketing and communications industry for almost 20 years now. I'm Canadian born and bred, just outside of Toronto, actually in Richmond Hill. I currently reside here in Toronto with my wife and two children.

Just to tell you a little bit about MacLaren McCann, we are one of Canada's leading advertising and marketing communications agencies, with annual revenues of approximately \$80 million. We have our main offices right here in Toronto and we do have some satellite offices in other parts of the country. MacLaren has in fact been one of Canada's leading agencies for almost 75 years. The creative spirit of the company has been responsible for some pretty memorable advertising work, but also for some enduring cultural contributions as well, including Hockey Night in Canada, which was conceived, developed and produced by MacLaren way back in the 1920s; not quite as old as the Ontario College of Art is, but we've got a long history in this province. While we're very proud of that history, we're most proud of our success in more recent times, and this kind of segues to the Ontario College of Art and Design.

Our agency has grown dramatically in the past five years, literally doubling in size. A big part of that growth has been the expanding array of design and creative services that we are providing. While at one point we were primarily providers of advertising creative, today our services include Web design, video and film development, package design, logo design, industrial design for displays and merchandising and so on. So I can tell you from first-hand experience how important the work of the Ontario College of Art and Design is to our business and to the industry in general.

Over the years, we've hired a number of staff who are alumni of Ontario College of Art and Design, and I don't see that letting up in the future. In fact, over the past number of years, our agency has been a significant financial contributor as well to the Ontario College of Art and Design, and I personally have given up many hours of my time to provide lectures to students there in specific areas of marketing communications that were not covered in the standard curriculum. So there's little question in my mind that our agency has good reasons to want to support this school in any capacity we can.

But there's another reason why I was very happy to be nominated for this and to want to volunteer for this appointment that goes beyond the particular industry I'm in, and that's because I have a very strong fundamental

belief in the importance of applied art and design to Ontario's economy and Canada's economy now and in the future. We have many resources in this country, and I believe one of the most important long-term resources is the creativity of our people. I believe that creativity and design does add value. It does create industries and jobs. I believe it provides a stage in which we can take on the world.

Today we see many countries that leverage their strengths on applied art and design to become world leaders in a particular field, and I see no reason why this cannot apply to Canada as well. In fact, in certain areas, like Web design, we're already showing that Canadians can take on the best in the world and win global contracts.

For these reasons, I believe the work of the Ontario College of Art and Design is fundamentally important to Ontario and to Canada. I would be proud to play whatever role I can to help support the college. I look forward to answering any questions you might have.

The Chair: The first party eligible to ask questions would be the government.

Mr Wood: We will waive our time.

The Chair: So we'll move to the official opposition.

Mr Gravelle: Good morning, Mr Caruso. You are obviously very excited about the appointment to this. I'm curious to get some specifics, if I could, from you in terms of some of the goals you have in regards to the college. I know they're going through an expansion program which is pretty vital, so you're going to see a real increase in the number of students. You need more space. Do you see yourself playing a very specific role in that?

Mr Caruso: I'll be honest with you: I come to this with no specific knowledge of the key issues that are in front of the council at this time. So I think my interest is on a 50,000-foot level in terms of the long-term purpose of the school and my expertise in the industry that I'm in. I can probably help provide some guidance on the specific issues they are looking at. But the key issues on the table this week, I don't know what they are and I can't profess that I have that knowledge.

Mr Gravelle: I appreciate that. The world of art and design, though, is continually changing. I presume that you want to give some input in terms of those changes, in terms of how the school is operating and even in terms of a curriculum base.

Mr Caruso: I think what I can provide is a knowledge as to the kinds of demands that our industry will have longer-term, and as I mentioned, we are hiring more and more people who have the kinds of skills that these students are graduating with. I can come with that knowledge and provide guidance in that way.

Mr Gravelle: So you haven't given it a great deal of thought in terms of what role you want to play. As a leading figure in the advertising world in Canada, that's significant, obviously.

Mr Caruso: The way I look at it is that I'll be one of many voices. I think there are over a dozen people on this

particular council, so I'll present a voice that should be on this council.

Mr Gravelle: Do you see yourself as being part of the fundraising aspect as well? Obviously the province has provided some funding, I guess SuperBuild, and then there's—

Mr Caruso: There's still a gap. Absolutely. I suspect that will be one of the key issues for the council over the next number of months.

Mr Gravelle: Can I ask you how the appointment came about? Did you seek it out?

Mr Caruso: No. I got a call from Steve Quinlan, who's the assistant dean at the school. I knew Steve from years ago because he was the one who first coerced me into giving up some of my time to do some lectures there. He said there were some vacancies within the council and would I be interested; could I find the time to do it? I thought it was a good idea. I need another responsibility like I need a hole in the head, but I think this is a pretty good cause and I was happy to volunteer. I hope I will get selected.

Mr Gravelle: Let me ask you a general question: do you think the advertising world is going to be changing as a result of some of the extraordinary events that have taken place, September 11 in particular? Do you think there will be a change in terms of advertising? Obviously you've got to—

Mr Caruso: There's no question there's an immense short-term change. We're seeing all sorts of—

Mr Gravelle: In terms of taste and things like that.

Mr Caruso: Well, no. I think we've always been very sensitive to issues that might be tragic and that kind of thing. That sensitivity obviously is going to be heightened from here on. But I think some of the more fundamental changes—we'll have to see what happens long-term to the airline industry in Canada and other parts of the world. It definitely will be different, and there's no question that has been a big part of marketing spending in Canada. It's hard to imagine that getting bigger. It's probably going to contract. So I think we will see some fundamental long-term changes that way.

Mr Gravelle: With the economic reality in terms of some shifts, perhaps, in terms even of your industry as well.

Mr Caruso: Absolutely. Yes.

Mr Gravelle: Leona, do you have any questions?

Mrs Dombrowsky: Yes, very briefly. Good morning, Mr Caruso. You had made reference to the fact that you are prepared to volunteer your services to this board. Is there any compensation for serving on this board?

Mr Caruso: Not that I'm aware of. I think it's expenses. I suspect, since I'm in town, I'm allowed zero.

Mrs Dombrowsky: OK. I was just curious. With a number of the boards to which people are appointed, there is an honorarium, so I was curious.

Mr Caruso: Not in this case.

Mrs Dombrowsky: You've been given to understand that it's a volunteer position. Very good.

1110

Mr Marchese: Mr Caruso, welcome to this committee. I should tell you I met with a number of board members in the past because they've been talking about expansion for quite some time, just to tell you I've been very supportive of them and happy to see the expansion of the college. You're probably familiar as well with Bill 88, that allows the college to grant degrees, as opposed to diplomas. I'm assuming you're very supportive.

Mr Caruso: Yes, I'm very supportive of that, actually.

Mr Marchese: I suspect we'll see more students applying to the college as a result of that, I would anticipate.

Mr Caruso: I would think one of the other things it does is that the more intellectual capacity we have in this country in terms of creative and design, the better. I really do think it does have a long-term economic impact. If all the fine art colleges in North America are going this way and offering more degree programs, I think we have to do it in order to continue to attract the best and the brightest.

Mr Marchese: For sure. I suspect that some universities were a bit nervous about this. They probably thought they were serving the public well in some of these areas and that they didn't need to necessarily give this college that degree-granting ability because other universities are doing it. Personally, I didn't see a problem with it at the time. Do you?

Mr Caruso: I hadn't thought of that as a key issue, but I would suspect that the particular niche that the Ontario College of Art and Design is occupying isn't directly competitive with the other universities. I think it is serving a certain kind of student. At one level, if somebody wants to get a degree in the area of applied art and design and they can't get it locally, they might go somewhere else to get it.

Mr Marchese: The government is obviously contributing \$24 million to this expansion and you folks have to raise \$14 million. I'm assuming some of you are worried, or some of the college folks are worried, about raising that \$14 million. Do you have any ideas about that?

Mr Caruso: It's a fair amount of money, but we work with a number of organizations where we help them do fundraising, so I don't see it as an insurmountable gap, but it's certainly a big one.

Mr Marchese: One of the questions you'll be dealing with is that, because the college wants to expand on the southern part of the college, there is a strip of land there that obviously belongs to the art gallery. There have been negotiations for quite some time with them. I'm not quite sure where they're at. Are you?

Mr Caruso: No, I'm not. I suspect that's one of the issues I'll learn more about if I'm part of this council. But at this point, other than knowing that there's a strip of land that's in disagreement, I don't have any inside knowledge on that.

Mr Marchese: The growth has been significant at the college, and of course you couldn't accommodate that

under the current context and you'll be able to accommodate more once the building goes up. I suspect there'll be more and more students who will want to get into this college. What will the college do then, when you reach capacity? Would you have some suggestions for the government in terms of what they ought to be doing then?

Mr Caruso: At this time I can't say that I can comment in any intelligent way on that particular issue. I understand that they want to build the school and grow the school. I believe they are adding academic staff to help handle that growth. There is a double cohort in two years, so they've got to prepare for the kind of growth. As I said, I'll be a lot more intelligent on all these issues, hopefully, in a short period of time.

Mr Marchese: I'm sure you will be. By the way, it's in my riding of Trinity-Spadina, in case you didn't know.

Mr Caruso: I didn't know that.

Mr Marchese: You're just outside of my riding, but I wish you the best. I'm sure you'll do well.

The Chair: That completes our interview, if we'll call it that today, our procedures here. You may step down and the committee will engage in its deliberations. Thanks very much for being with us.

We now deal with the appointments that are before us. The first will be Mr Benson Lau, who is the intended appointee as member of the Toronto Police Services Board.

Mr Wood: I move concurrence re Dr Lau.

The Chair: Any discussion? All in favour? Opposed? Motion carried.

The next one is the intended appointee as chair, Agriculture, Food and Rural Affairs Appeal Tribunal and board of negotiations, Murray Cardiff.

Mr Wood: I move concurrence re Mr Cardiff.

The Chair: Any discussion? All in favour? Opposed? Motion carried.

The next one is Mr Domenic Caruso, intended appointee as member, Council of the Ontario College of Art and Design.

Mr Wood: I move concurrence re Mr Caruso.

The Chair: Any discussion? All in favour? Opposed? Motion carried.

That completes, I believe, the business the committee has.

Mr Wood: I move adjournment.

The Chair: All in favour? Motion carried. Thank you.
The committee adjourned at 1115.

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Substitutions / Membres remplaçants

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Also taking part / Autres participants et participantes

Mr Steve Peters (Elgin-Middlesex-London L)

Clerk pro tem / Greffier par intérim

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