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**Official Report
of Debates
(Hansard)**

Wednesday 23 January 2002

**Journal
des débats
(Hansard)**

Mercredi 23 janvier 2002

**Standing committee on
government agencies**

Intended appointments

**Comité permanent des
organismes gouvernementaux**

Nominations prévues

Chair: James J. Bradley
Clerk: Donna Bryce

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Wednesday 23 January 2002

Mercredi 23 janvier 2002

The committee met at 1008 in room 151.

INTENDED APPOINTMENTS

The Chair (Mr James J. Bradley): I see a quorum at this time, and if Mr Martin comes in, we will brief him or we'll revert back to him, one of the two.

For the purposes of Hansard, I call the meeting to order this morning. The first thing I want to mention to members of the committee is that there's a withdrawn person on this list. It would be the Ministry of Health, Ontario Mental Health Foundation, Susan O'Hara. So we will not be dealing with that individual today, since that appointment has been withdrawn.

Mr Bob Wood (London West): Mr Chair, I presume that means we're going to start at 1:30 rather than 1 this afternoon?

The Chair: Whatever you wish. We can either move everybody else up, or 1:30 sounds more reasonable because of when we tell people to be here.

Mr Wood: I think it may be a tall order. We'd have to move everybody, otherwise there's no point in moving anybody. My inclination would be just to start at 1:30.

The Chair: That's fine with me.

Mr Michael Gravelle (Thunder Bay-Superior North): We would support that.

The Chair: That will give us a little extra time to get all that constituency work done that we all have to get done.

ALLAN MUGFORD

Review of intended appointment, selected by official opposition party: Allan Mugford, intended appointee as member, Ontario Film Review Board.

The Chair: Our first intended appointee is Allan Mugford. Mr Mugford, you may come forward, sir. As you're probably aware, you have an opportunity to make an initial statement, should you see fit. Then you'll be questioned by representatives of the three political parties around this table. Welcome, sir.

Mr Allan Mugford: Good morning. My name is Allan Mugford, and I would like to take this opportunity to tell you a little about me and my family. I retired a few years ago, in my 40th year of service with the fire department. It was a great career, one I'm very proud of and miss to this day.

In my late teens I was recruited by and played with the Brooklyn Dodger organization in their farm team for two years in the United States and, after returning home, played senior ball and Beaches League fastball for 25 years, as well as senior hockey all over Ontario. Now my wife, who is here with me today, and I are struggling to play a lot of golf.

During the course of raising eight children—two are my stepsons—I often worked two or three jobs to secure the funds necessary to help them with their university education and some of the weddings. We now have nine grandchildren, and you can imagine there's rarely a dull minute.

Needless to say, though, when I retired and much of this activity ended, I needed to find ways to fill my time. My wife served as president of the Markham Board of Trade, chair of the Markham Theatre, as well as other organizations when we lived in Markham. We now live in Oshawa. Through this family affiliation, and I think that she will agree, I was very supportive of her and learned a great deal. It made me realize there may be a way that I could contribute to the overall community.

When I heard initially about the Ontario Film Review Board, I was immediately interested. Not only did I have the time, but I also felt strongly that there should be guidelines in place in order to help protect children from the excessive violence and sex often seen on the screen today; plus I like watching movies. I'm a movie buff.

I was accepted and served at the Ontario Film Review Board for an initial two years, 1997 to 1999, and an additional two years ending in early 2001. I decided to reapply for many of the original reasons. I'm definitely a team player, I get along with people from all walks of life, and I still think I can contribute to the Ontario Film Review Board.

If you have any questions, I'd be glad to answer them.

The Chair: We will begin today with the official opposition. That's where we are in our rotation, I'm told by our clerk.

Mr Gravelle: Good morning, Mr Mugford. You have been sitting on the Ontario Film Review Board for several years, then?

Mr Mugford: Yes, just around a year ago—I served there for two years and then I got renewed for two more years.

Mr Gravelle: I didn't see that on your resumé. So you've had some experience. That probably makes it

useful to ask you what some of your opinions are, because it seems to me you obviously would then have been involved in some of the decisions that have been made that have been somewhat controversial. It's the whole difficult issue of community standards.

The one that comes to mind for me rather quickly is a French film called *Fat Girl*, and it was highly praised by the critics, but from my knowledge and memory of this, I understand that the film review board said there were certain scenes that they found unacceptable and wanted to have them cut out. The director wouldn't do so, so the film hasn't been seen. Can you give us your thoughts on that? Were you part of that process?

Mr Mugford: That was a recent film in the film festival just before Christmas, so I was not there at the time. But I had seen a movie called *Baise-moi*, which was a couple of years ago, and it was the same kind of scenario, where there was a very violent rape scene. We did a process of one, two and three panels watching it, and it was rejected until the film people took out the two or three minutes that we disagreed on. Then they took the two or three minutes out and they made it a mainstream film.

Mr Gravelle: I understand. Again, I haven't seen the film myself, obviously, but I understand this particular scene was not by any means a violent rape scene. It was more a question of the age of the participants that concerned people.

But just to carry on the conversation about community standards, how do you define that or how can you best define that? Do you see it as a moving target? Obviously—you're a parent of eight children, nine grandchildren, you've said—this is something that would be very close to you, yet you have a responsibility to have a larger view as well. Can you give us an idea of just how you—

Mr Mugford: What I've tried to do in my time that I'd been there is talk to my friends and my relatives and different groups of people, the fire department people I worked with, to explain to them the community standards that I see through my eyes. Anything that I tell them—the violence, the sex, the crime—I try to relate to them and tell them what is good and what is not good in the community standards, and there are different community standards all over Ontario, too.

Mr Gravelle: That's right. I think everybody agrees on that. But you'd ultimately end up making a decision based on what you view as the community standards for the whole province, in terms of the rating system. Correct?

Mr Mugford: Yes, you do; it's for the whole of Ontario. I happened to live in Markham when I was doing this, and I worked in the city of Toronto. I think there's more community spirit outside Toronto; there are closer-knit families and groups of people.

Mr Gravelle: I know it's a delicate issue and a difficult one. I suspect my colleague Mrs Dombrowsky would love to ask a question or two; I don't know if she's going to ask about the video game issue.

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): Yes, exactly.

Mr Gravelle: That would be great.

If I may, Mr Chair, I'll pass it off.

Mrs Dombrowsky: Good morning, Mr Mugford. I'm happy to understand that you have had some experience with the Ontario Film Review Board, because there is an issue around video games that I regularly ask people who are intended to be appointed to that board, and you have some appreciation of the role of people on it.

Particularly after the holiday season, I've had conversations with parents who have been concerned about the content in video games they've purchased for their families, in that they're especially violent and graphic. I think the quality of the games has significantly improved in very recent years. We've had some conversations around how appropriate it would be to have video games rated as well, so that when parents are purchasing these as gifts for their families or their children receive them as gifts they would have some understanding about the content and the level of violence that might be included.

Given your experience on the film review board, do you think it would be an appropriate exercise for the film review board to begin viewing video games and their content and assigning a rating to them?

Mr Mugford: In response to that, in my own family I didn't condemn the children for watching video games. I was against watching them, and I don't like my grandchildren watching them. There's enough violence on TV without watching video games. But this is something new that's going to come up.

I don't know whether the Ontario film review board has time to watch all the movies and all the adult films that come in, plus the video games. There may be an opportunity for another group of people to watch these video games and give their professional opinion. We have training to watch all these movies, but with video games, you have to treat them as watching real violence. I think there should be some group of people who can judge these and see what violence is in them.

Mrs Dombrowsky: Just so I'm clear then, Mr Mugford, while you would agree it might be appropriate that consumers be provided with a guide for video games when they're purchasing them particularly for children—and I would suggest they are probably the market they aim for when they produce video games—you have some question, first of all, that the film review board would have the human resources to actually deal with that additional burden. That is something if the government were to legislate that video games were part of your responsibility, it would certainly have to consider, providing some additional resources, because there are significant numbers of video games out there. I'm not hearing from you that you don't think it would be appropriate that the film review board or a body like yours would have some responsibility to assist consumers when they're purchasing these products.

Mr Mugford: Like I say, the board would watch them. We have seen a few of the violent ones that come

from China and Japan. We watched them, and I think there should be classifications on them. It comes from the parents. I think the parents are the ones who should have the guidelines to tell their children what to watch and what not to watch.

Mrs Dombrowsky: So they should have the benefit of some direction on the packaging that would assist them in that way.

Mr Mugford: Yes, there should be some kind of sticker that they can put on these video games saying what is in them: violence or sexual content.

1020

Mrs Dombrowsky: I thank you very much for that perspective. It's important for us to understand. While it's not yet the law in the province, I think we're going to hear a good deal—certainly I have over the holidays—about the fact that these games have been purchased and some of the content has not been especially appropriate for youngsters.

I thank you for taking the time to come and chat with us today. That would conclude my questions.

The Chair: Any further questions? We have two minutes left for the official opposition. If not, I'm going to move to the third party, and it'll be Mr Martin.

Mr Tony Martin (Sault Ste Marie): Good morning. I'm sorry I wasn't here for your opening comments.

Mr Mugford: Well, you missed it.

Mr Martin: I missed them, yes. My loss, that's right. But because of that I was wondering, of all the things that you probably could apply for in terms of public service—and there's a myriad of boards and commissions out there—why would you have chosen this one?

Mr Mugford: One of the reasons is that I really do like movies. I have a large family. I like them to watch movies, and there's a lot of crap out there in watching movies. The appeal to me is the one day or two days a week, whatever the criterion is. The rest of the time I like to spend outside golfing or doing my gardening. I really do enjoy watching movies.

Mr Martin: What are the big issues in your mind where this business is concerned these days?

Mr Mugford: Violence is in almost every movie; swearing, language. Sex is in a lot of the movies out there now. When I was young they never said any words; the only thing they ever did was smoke. But now there's more violence in the movies, there's more sexual content. It just seems that there are very, very few family movies, and I would like to think that I could help judge some of the movies PG and family for my grandchildren so I could recommend them.

Mr Martin: Where would you draw the line in terms of violence or sex or whatever?

Mr Mugford: We do have criteria that we go by. There's a group of us that watch them and we talk it over after the movie. We watch for violence and we do have our guidelines of how far it can go. Say, a war movie may go a little bit more than a shootout. There may be historical events in the war movie and the violent crimes where they blow off your arm in a crime scene. There's a

line you come to and you just have to judge for yourself. You have to have good judgment on that.

Mr Martin: That's a line that you think you've come to in your own mind and that you'd bring to the table. Is there anything else that you bring to the table by way of background, except the fact that you watch a lot of movies, that would qualify you for this position?

Mr Mugford: My whole life has been an experience and I think I bring experience and good judgment to the film review board.

Mr Martin: Are you aware of the issue around the new classification that still hasn't been announced publicly yet, but moving to the 14A and 18A rating?

Mr Mugford: It hasn't come into effect yet but I can see what it is. Some children at 14 may be mature, some may not. What they're trying to do is to get their adult accompaniment to take somebody 14 and 18 to watch films that normally would go into another category.

Mr Martin: Yes. You mentioned in your response to me that your concern is that parents have more knowledge and control. In this new rating system, as I read it, what it does is actually take away from some parents some control or decision-making around whether they can take their 16-year-old to what has been considered an 18A movie. Some parents might have felt, because that's the way their family is, that it was OK to expose their children to perhaps a more sexually explicit showing because they would see it more as an artistic venue than simply a exploitation issue. What's your feeling there? What should we be telling parents they can and can't do, and what should we be doing on their behalf in this respect? Where should the line be drawn here?

Mr Mugford: When movies go out in the newspapers, they all have their ratings on them in the newspaper and they all have them at the theatre. I think that parents should find out where their children are going when they go to a theatre and find out what rating that movie is before they are allowed to go and see it.

Mr Martin: The comment is that there's a feeling that parents are taking their children to movies that they shouldn't be taking them to. Is it your view that this tribunal should be intervening on behalf of and telling parents what movies they should or should not be taking their children to?

On one hand you're saying to me this morning that we should be making sure that parents understand what it is that they're taking their kids to. But should we be in a position to be telling parents what they can and can't take their children to in terms of movies? What's your opinion on that?

Mr Mugford: Being parents, my wife and I decided. When the children went to the movies, we would like to think we sent them to the proper movie; we read the newspapers or the ads. Hopefully over the period of years, they guided themselves and saw these movies.

Mr Martin: For example, we took our 11-year-old to Harry Potter. There are some people in our community, particularly from a religious persuasion, who would see that as inappropriate, because it's witchcraft and all those

kinds of things. Should they have the right to decide for me, in that instance, whether or not I could take my child to that movie?

Mr Mugford: It's hard to say, because you're the parent and you think that was a good movie to take them to, and other people might not like it. Then you tell other people—it's community standards—that you didn't think it was an appropriate movie, through experience, by you and your children watching it, religious beliefs or whatever your beliefs are. So it's a guiding thing. You help guide. And if people don't go to see it, it won't be there very long.

Mr Martin: You're probably also aware that there's a huge debate going on in the public right now around just what are community standards. There's a group who think there's too much violence and sex and other types of activity in movies, and yet there's a group out there that says we're way too squeamish and that a lot of what's presented that some people think is pornographic is in fact art and should be allowed. The other issue, of course, is the question of whether any movies with a level of violence and sexual activity and behaviour in them should be seen at all. Have you been reading or listening or paying attention at all to that discussion that's going on?

Mr Mugford: I believe if you're a good parent you help out as much as you can by guiding your children to see something that is appropriate for their age. Some children are more mature at a different age. I think it's really up to the parent to guide them in watching what's in the movies—the violence, the sex, the sexual content. There's enough of it on TV, and all you have to do on your TV is turn it to another station if you don't want your children to watch it or you don't want to watch it yourself. I think it's just a matter of what you want to do.

Mr Martin: But you, yourself, have not read extensively or participated in any fulsome discussion about this issue with folks out there to bring, I would suggest, some balance in terms of your perspective and view in making decisions with this board or for this board?

Mr Mugford: Well, I express my opinion. I tell my friends, relatives and comrades what I see and what I think is violent. If I think there's too much violence, I just say, "There's a lot of violence in there. Be prepared if you want to see violence." I just guide them by what I see and what I do.

Mr Martin: You obviously bring to this a concern for children and for family values. What shapes your sense of what's morally right or not in terms of your own—you're obviously bringing your own set of experiences. What shapes that for you?

Mr Mugford: I believe, as in everything, that it's up to the parent to open up the eyes of children to see whatever is good and try not to show them things that are bad. There are enough bad things on TV and in the newspapers, and you just try to guide them into watching good things on TV or good movies.

1030

Mr Martin: We've had a number of people through here in the last few months being appointed to the On-

tario Film Review Board. I'm trying to determine what they bring to this work and what their contribution might be. I find it interesting, their answer to the question of—what's your feeling about stuff like the WWF on television?

Mr Mugford: The WWF is entertainment; it's really not a sport. We have it here in Toronto, and 18,000 to 20,000 people go to it, wherever it is. You don't have to go to it if you don't want to. I've seen it on videos. There is a lot of violence, a lot of blood. A lot of it is fake. It's entertainment. If you don't want to watch it, you don't have to watch it.

Mr Martin: But it's on television.

Mr Mugford: If it's on television, like I said, you can turn your attention to another station if you don't want to watch. There's an audience for everything. Some people like that; some people don't.

Mr Martin: If you're—

The Chair: Just when you were getting wound up, your time has concluded. So I'll move to the government caucus.

Mr Wood: We'll waive our time.

The Chair: The government caucus has waived its time, so the time then has been completed.

ALLAN LEACH

Review of intended appointment, selected by official opposition party: Allan Leach, intended appointee as member, GO Transit board of directors.

The Chair: Next is Mr Allan Leach, intended appointee as member, GO Transit board of directors.

Mr Leach, you may come forward. As you would be well aware, I'm sure, you have an opportunity to make an initial statement, the time of which will be subtracted from the government caucus questions. Subsequent to that, all members of the committee will have an opportunity to direct questions to you.

Mr Allan Leach: It's a pleasure to see you again and all the members of the committee. It feels like coming home. I did have a little cheer at the Albany Club, as you suggested I do, at your Christmas party. It was good advice, as always.

I believe most members of the committee are familiar with my background, but for the record I'll briefly outline my history and my current activities.

I've been involved with transportation in the greater Toronto area in the province of Ontario for more than 40 years. I was with the Ministry of Transportation for 23 years, involved in highway construction, involved in municipal roads and involved initially with the creation of GO Transit. I was the managing director of GO Transit for 10 years, from 1977 to 1987. I was then the chief general manager and CEO for the Toronto Transit Commission which, as you're aware, is the second-largest transit organization in North America. I then became the MPP for Toronto Centre-Rosedale for five years, and during that same period I was the Minister of Municipal Affairs and Housing.

Currently, I am a member of the Toronto Police Services Board, I'm a member of the St Michael's Hospital board, I'm a member of the SNC-Lavalin Inc board of directors, I'm a member of the 407 ETR board of directors, I'm a provincial representative for the World Youth Day executive committee and I'm also a director of Golf Strategies of Canada Inc. I believe that the background and experience I bring would be a benefit and would allow me to make a solid contribution to the GO organization. I'm quite honoured to be nominated to be a member of their board.

With that brief comment, I'm at your disposal.

The Chair: We will begin our questioning this time with the third party.

Mr Martin: Nice to see you back again. We spoke not so long ago as you were being appointed to the police commission. How's that going?

Mr Leach: It's going very well. It's a very good organization, very effective, probably one of the best in North America.

Mr Martin: You're taking on a fairly big challenge in this one. We spoke to Mr Chong last week, who was appointed chair, I believe, to this organization. There was a major effort made not so long ago under the auspices of the GTSB to solve this challenge. It seems, to me anyway, that they came up short.

What, in your view, caused that and what do you think this new organization will be able to do that will be different, that will see us achieve some success here?

Mr Leach: The problem, if it is a problem, with GO Transit is probably its success. There's a great latent demand out there that the more service you provide, the more customers you will attract. The major problem it has is that it's extremely capital-intensive. It has to lease its right-of-way from the railways, for the most part. Locomotives and equipment rental are extremely expensive. So when people suggest that you expand service, it initially is extremely not cost-effective and that's one of the big problems that has to be overcome. There has to be a way of getting the additional service that's required, the additional service that the public is demanding, delivered in a cost-effective manner.

There are ways of doing that. It's going to take the co-operation I think of all levels of government—the federal, the provincial and municipal governments—and the task of the GO board is going to be to try and bring those three factors together in an effective manner and see if we can get some working agreements that can get us started again.

Mr Martin: It seems to me that one of the things the provincial government has done in winding down the GTSB and bringing forward this new committee is that obviously they've cut out the participation of a huge number of people from the municipalities on the board.

Why do you think, given your statement that there needs to be a contribution from the municipalities, that happened and do you think that will be helpful?

Mr Leach: The municipalities are represented; the regional chairs are all members of the board, I believe. I

believe Mayor Hazel McCallion is a member of the board. There will be direct involvement by the municipalities, as I understand it, in future expansion. We would be looking for both the financial involvement and the planning involvement of the municipalities, the federal government and the province. I think the role for the municipalities will probably increase rather than decrease.

Mr Martin: And you think that an increase in their participation will be valuable to the whole thing?

Mr Leach: I think it's paramount to its success. The municipalities are the communities that are going to be served, and their involvement in the planning process, the development process, is paramount.

Mr Martin: What are your views on the notion of these smart growth councils that is being proposed?

Mr Leach: I don't have a lot of knowledge about the smart growth councils other than what I've read in the paper. It would appear to be an opportunity for the municipalities and others to provide more direct input into the planning and development process, and I believe that's a move in the right direction.

Mr Martin: What role do you see for the private sector in any future GO Transit system?

Mr Leach: GO Transit probably has more involvement with the private sector than any other organization that I'm familiar with. The tracks they run on are owned by the private sector. The trains that they operate are owned by the private sector on leaseback. The maintenance facility that they use and the maintenance that's carried out are by the private sector. So the vast majority of GO Transit's operation is involved with the private sector at the present time. Any future development of additional GO lines would again involve the private sector, but it's something the GO organization is very familiar with and works very well with.

Mr Martin: How soon do you anticipate we might see something on the table that would indicate to us some level of cooperation and movement forward?

Mr Leach: Everybody has been very vocal about the need to expand GO Transit and everybody has been very vocal about the need to get on with it, so all we have to do is try and coordinate that. I have no pre-set timetables in my mind. I have yet to talk to other members of the GO board to see what programs are going to be proposed, and I look forward to doing that, but I'm not going in with any pre-set proposals or ideas. I'll be open and develop those with the other members of the board.

1040

The Chair: We now move to the Progressive Conservative caucus, the government caucus.

Mr Bert Johnson (Perth-Middlesex): I have a question and then I have a comment. Mr Leach, my question is—and I'm surprised it hasn't been asked already—the Joe McCarthy question: have you ever been or are you now a member of the Progressive Conservative Party of Ontario?

Mr Leach: Certainly.

Mr Johnson: I'd like to get past that before I make the comment that I look forward to the contribution of your experience in transportation, particularly the TTC here in Toronto, as a background for the job you're being asked to do. I have confidence in your ethic, in the years that I have gotten to know you, and I look forward to success. I know it won't be easy, but I wish you the very best.

Mr Leach: Thank you.

Mr Wood: Mr Johnson said it all. We'll waive the balance of our time.

The Chair: The balance of your time is waived. We'll now move to the official opposition.

Mr Gerry Phillips (Scarborough-Agincourt): Welcome. It's good to see you; a very impressive background.

My first question would be—you mentioned in your opening remarks that you're on the board of the 407 corporation and SNC Lavalin.

Mr Leach: They're two different companies.

Mr Phillips: That's why I said "and." Are you prepared to step down from both those boards if you're appointed to GO?

Mr Leach: I fail to see any reason why I should.

Mr Phillips: So you would plan to stay on both those boards?

Mr Leach: Yes.

Mr Phillips: One of the intentions of the GO system, as we see in our remarks, is to remove traffic from highways. In my opinion, you've got a direct conflict in sitting on the GO board of directors and also sitting on SNC-Lavalin's board. By the way, SNC-Lavalin in their quarterly report indicated that their equity investment in the 407 initially was \$175 million; it's now worth four times that.

I would think the public would say, "How can it be that Mr Leach is on the board of the 407 and SNC-Lavalin, both with an enormous financial stake in GO, but is also representing the public on the GO board?" Do you not see a substantial conflict there?

Mr Leach: Not at all. First of all, there's more traffic to go around for all parties involved: the 407 is fast reaching capacity and probably will have to be widened in the not-too-distant future, and the GO operation has a huge latent demand. Regardless of the levels of service that you provide, there's always going to be more demand than there is service available, so I don't see that there's any conflict there whatsoever. They serve two different markets. They both serve the same goal: to try to alleviate congestion in the greater Toronto area as much as possible. I think they're both working cooperatively to do that.

Mr Phillips: I think you have a huge conflict, Mr Leach, that you should look into.

Mr Leach: I have considered that.

Mr Phillips: Do you have a legal opinion that you can sit on both boards?

Mr Leach: I have considered the conflicts, and I think that in all walks of life, regardless of what organizations you're involved with, from time to time you'll run into

issues that may put you in conflict with other factors of your being. Should a conflict arise, and I'm not aware of any at the current time, I would declare that conflict and refrain from debate on the issue or voting on the issue. I don't see that as being much different than many other members of the GO board; for example, any member of municipal council who may be voting funding for GO at its municipal council while at the same time developing GO's budget. You could stretch that to be a conflict if you chose to do so. But I don't believe I have a conflict at the present time, and I would be very—

Mr Phillips: Very what?

Mr Leach: —capable of declaring a conflict, should one arise.

Mr Phillips: I think your entire job at GO is in conflict with the 407 and with SNC-Lavalin. I also note that SNC-Lavalin is one of five competitors for transit planning in York county. Do you not see there's the potential for conflict there?

Mr Leach: As I said, there's always potential for conflict. If a conflict arises, then I would declare that conflict and refrain from being involved in any debate or voting on any particular issue.

GO Transit is a widespread organization with many, many facets. I have a lot of expertise in transit operations, and I think that much of my contribution to GO can be in the operations side, where there would be no conflict whatsoever. I'm not concerned about conflict.

Mr Phillips: Well, I'm deeply concerned. Have you had an opportunity to seek legal advice on this?

Mr Leach: No, I don't believe that legal advice is necessary. As I said, if at any time I believe I have a conflict, I would declare that conflict.

Mr Phillips: I have respect for your experience, Mr Leach. I just think the public believe that their board of directors on GO should be representing the public. At the same time, you're on a board, SNC-Lavalin—the 407 has quadrupled in value on their books. It is an enormous gold mine for them.

Mr Leach: I fail to see the relevance of 407 to the GO Transit.

Mr Phillips: But one of their goals is to remove traffic from the 407. You will be sitting there making decisions that put you in conflict with your decisions as the board of directors on the 407.

Mr Leach: We would have absolutely no problem with the traffic that GO would remove from 407. As I've said, there's more traffic out there than the combined services can accommodate, and I think it's paramount for both organizations to do everything they can to try and alleviate congestion. The expansion of GO Transit would be welcomed.

Mr Phillips: You're saying you are not prepared to step down from the 407 board and SNC-Lavalin?

Mr Leach: I see no need to do so.

Mr Phillips: On reflection, you do not see that every decision you will make at GO, which is designed to improve service for the users—the public use of public transit does not put you in conflict with your other responsibilities as a director of 407 and of SNC-Lavalin?

Mr Leach: No, I don't see that.

Mr Phillips: But you've not sought legal advice on that?

Mr Leach: I see no need to do so.

Mr Phillips: What decision at GO do you see that wouldn't have an impact on the 407? What major decision at GO would not have an impact on the 407?

Mr Leach: There's all kinds of decisions that could be made at GO Transit that have no bearing on 407 whatsoever.

Mr Phillips: Major decisions. Could you give me a couple?

Mr Leach: I don't know. Purchase of new rolling stock.

Mr Phillips: That would have an impact on 407.

Mr Leach: Labour agreements.

Mr Phillips: That would have an impact on 407.

Mr Leach: It would?

Mr Phillips: Yes. It would impact on the fees, the fares you charge.

Mr Leach: I think that's a pretty big stretch, Mr Phillips.

Mr Phillips: I really feel strongly about this, Mr Chair.

As I say, your experience speaks for itself. It's just that you're putting yourself and, frankly, the government in an intolerable conflict of interest. The 407, as I say, is the biggest privatization in the history of Canada. Your corporation—its equity investment has quadrupled in less than three years there. You are also on the 407 corporation, which makes huge decisions. You are in conflict if you're also on the GO board. I think the public will say, "Well, wait a minute. Who is speaking for me at the GO board if the board of directors have a financial interest in both the 407 and SNC-Lavalin?"

Mr Leach: That's your view; I don't share that view. Obviously, I was nominated to be on the GO board, and I'm sure that those who were—

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Mr Phillips: I'm sorry. Nominated by whom?

Mr Leach: I was nominated to be on the GO board, and I'm sure those who were responsible for nominating me took that into consideration.

Mr Phillips: This was the government; Ministry of Transportation, was it?

Mr Leach: I think my involvement has been well-known to everyone.

Mr Phillips: They were aware that you were on SNC-Lavalin and the 407 board when they made those?

Mr Leach: I would certainly assume so. It's certainly no secret. You were aware of that, I believe, Mr Phillips; if you were, I assume everybody would be.

Mr Phillips: I was aware you were on SNC-Lavalin's board. I wasn't aware you were on the 407's board. I didn't see it in your resumé, at least the resumé I had. Was that in a public resumé?

Mr Leach: I'm not sure when that resumé was done.

Mr Phillips: The one I had—I don't know whether it was the committee's resumé—shows you on the SNC-Lavalin board.

Mr Leach: The 407 is within the last year.

Mr Phillips: Isn't your resumé within the last year?

Mr Leach: I haven't even seen the resumé you have.

Mr Phillips: Am I looking at the same resumé everybody had? Yes. You're on the board of directors, SNC-Lavalin. I don't see any mention of the 407 in your resumé.

Mr Leach: Well, then, I've added that to my resumé, and I've declared that here at this committee today.

Mr Phillips: That's why I asked you whether the government, when they nominated you, were aware that—

Mr Leach: Yes.

Mr Phillips: They were aware of that? Again, Mr Leach, I feel bad about this, because I respect you—

Mr Leach: I bet you do.

Mr Phillips:—but I really believe you should reflect. I think the public will find it unacceptable that their board of directors—and by the way, I think you may find that you run into legal challenges from other consortiums trying to bid on private sector business when you, on the one hand, are going to be involved in all of the workings of GO and then you go to another board meeting where you're sitting on the board of SNC-Lavalin, which is competing against some of these private sector corporations.

Mr Leach: I don't see it as being any different from a municipality voting to build a new road. They vote to build a new road. Isn't that in conflict with the undertakings of GO Transit, and shouldn't any of the municipal members who might be in that municipality say, "I've got a conflict," because—

Mr Phillips: If they're on the board of SNC-Lavalin, I assume they might.

The Chair: Mr Phillips, your time has expired. Though the Conservative Party waived its time, there has been a request from Mr Mazzilli, and there is time left in the Conservative allotment for Mr Mazzilli to ask a question. So I'll ask the committee if they will give unanimous consent.

Mr Martin: No.

The Chair: The committee will not give unanimous consent, so I cannot, then, do so.

Thank you very much, Mr Leach, for being with us today.

Mr Leach: Thank you, Mr Chair.

The Chair: I'll ask Mr Gravelle to come in as the Chair, since I would like to ask some questions. Members of the committee know my interest in the field of gambling—not as a gambler, I might say, for the committee's sake.

RAVI SHUKLA

Review of intended appointment, selected by official opposition party: Ravi Shukla, intended appointee as member, Ontario Lottery and Gaming Corp board of directors.

The Vice-Chair (Mr Michael Gravelle): We will proceed to our next intended appointee, Mr Ravi Shukla,

as a member of the Ontario Lottery and Gaming Corp board of directors. Mr Shukla, if you could come forward and sit right there where the microphone light is on, that would be great. Welcome. You have an opportunity to say a few words to the committee, if you'd like, before we move toward questions from all three parties. After you've finished your remarks, we'll begin with the members of the government party. So, Mr Shukla, please carry on.

Mr Ravi Shukla: I have a touch of a cold, so I apologize in advance. I did prepare a few words, so I will say them. First of all, thank you, Mr Chair, and good morning, members. Thank you for the opportunity to appear before you to speak about my intended appointment to the board of directors of the Ontario Lottery and Gaming Corp. I believe that you have a copy of my resumé, but I'd like to take this opportunity to provide you with some additional information in order to bring forward those aspects of my background and experience that I believe indicate that I will be a useful and appropriate addition to the board.

I'm a 40-year-old husband and father, having been born in Delhi, India, in 1961. My family came to Canada, Toronto in particular, in November 1966. Our arrival here was due in part to the concerted efforts of the Canadian government to convince overseas architects to come to Canada and assist, literally, in the building of a great new multicultural society. Canada's role as a peace-loving, honest broker in matters of international relations was well known to my parents, and this, together with the opportunities presented by the rapidly developing Canadian society, convinced them that Toronto should become the base for launching our family's future. Some 35 years and one child later, my parents have both recently retired from the practice of architecture, and my father is currently professor emeritus at Ryerson University's faculty of architecture, a department with which he has had a long association as a faculty member and former chair. Both have, at various times and in various ways, been involved in community and public service. Should I be so fortunate as to be selected for the appointment for which I am now being considered, I will, like my two sisters, be continuing a tradition of public service by our family in our chosen homeland.

My early education was in Pickering's public schools, and in 1979 I attended the University of Toronto, where I pursued a degree in electrical engineering. I was immediately struck by the scope of the changes which would be introduced when the laboratory developments I was viewing became broadly applied in society, and concluded that such changes would open up huge new opportunities for technically literate individuals in diverse new areas as Canada's economy increasingly came to incorporate a vibrant knowledge-based sector. I therefore decided not only to continue with my engineering studies but to also seek a legal education upon their completion. I then had the privilege of attending Queen's University law school in Kingston over the period 1983-86, during which time I also relocated to Kingston on a permanent basis.

I had the good fortune to secure employment during my time in Kingston with Mr H.R. Sheppard, sole practitioner, now deceased, and have many fond memories of my time spent with Mr Sheppard clattering around that part of the province lying roughly between Belleville, Ottawa and Brockville, attending to the myriad needs of his many clients, many of whom were farmers and couldn't leave their fields during the busy farming season. In fact, I enjoyed my time in Kingston so much that I nearly abandoned my plan of combining my knowledge in the fields of electrical engineering and law in favour of continuing my association with Mr Sheppard and the wonderful life I had established in Kingston.

However, I was very fortunate to be offered an articling position by Blake, Cassels and Graydon, then and now one of the largest law firms in the country, at a time when that firm was embarking on a new strategy designed to dramatically expand its business in the information technology sector. Following my articles and my call to the bar in 1988, I stayed with Blake, Cassels and Graydon as an associate until early 1995. During those six or so years, I had the opportunity to work alongside and along with several of the deans of the bar in a diverse range of both advocacy and solicitor-oriented matters, all the while seeking out opportunities to increasingly focus upon providing my services to participants in the information technology sector of the economy.

One particular matter I do wish to mention, even though it has nothing to do with information technology, is that while at Blake, I had the opportunity to play a key role in the legal team which was retained by the Rae government in responding to Carlton Masters's application for judicial review of the decision of the investigator who had been retained by the province to look into allegations of sexual harassment made by several employees who worked with Mr Masters during his tenure as agent general for Ontario in New York. We were ultimately successful before the Divisional Court in upholding the validity of the process which had been implemented by the investigator and made some law on the crown prerogative issue, but the reason I raise this is that my involvement on that file afforded me access to senior politicians and civil servants and left me with a greater appreciation for the numerous ways in which the decision-making process in the public sector differs from that in the private sector.

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By the mid-1990s, I had decided to see whether the further focusing of my practice orientation on information technology matters could not be achieved from within the context of my own business. I launched my practice in May 1995 as a sole practitioner and have been gratified by the success that this venture has garnered. That growth resulted, in a few years, in the formation of a six-partner information technology and Internet law boutique and culminated, a little over two years ago, in my agreement to return to the large Bay Street law firm environment as counsel to the firm of Lang Michener on

information technology and Internet law-related matters. More than one circle was closed by this decision, as Mr Michener had been Canada's ranking diplomat in India at the time of our departure.

I am also now an active participant on the continuing legal education circuit, as I am frequently asked to speak on information technology and Internet law-related matters.

In retrospect, one of the factors that contributed heavily to the success of my practice was the fact that its launch coincided with the rapid adoption of one of the revolutionary technological developments of our time: the Internet. The Internet is disruptive technology which, by enhancing people's abilities to access, store, interact with and transmit vast amounts of information, dramatically subverts all manner of pre-existing social, political and economic norms, thereby giving rise to a host of difficult new legal issues.

One of the most challenging of these issues is the issue of Internet jurisdiction, namely, to what extent can and should the laws of a particular community be made to apply to activities taking place in cyberspace? Although we are only at a very early stage in the development of the Internet, and while it is clear that the rise of the Internet is but one of the many factors that will force citizens and governments everywhere to take a fresh approach to the hallmarks of sovereignty, it is also clear that the early predictions of imminent anarchy were incorrect and that cyberspace is not and will not be a no-law land.

In terms of examining the possibilities of future regulation of the Internet, on-line gaming has been a particularly interesting sector to examine because, for many communities such as Canada, gaming laws constitute an aspect of its central moral code and because proponents of on-line gaming have been among the most active and inventive in terms of exploiting the technological possibilities of the new telecommunications channel. It was for this reason that I was very pleased to meet with Ron Barbaro, the CEO and chair of the Ontario Lottery and Gaming Corp, several months ago at his office to discuss Internet gaming issues in general and thereafter to accept his invitation to seek the appointment which brings me before you here today. I hope one day to be in a position to assist the board in implementing, among other things, its Internet strategy in a socially responsible way.

In conclusion, I would be honoured to serve the people of Ontario as a key member of the OLGC governance team, should my appointment to the board be confirmed. I believe that my experience, both in terms of legal skill set and in terms of its depth in advising organizations as they manage change via the deployment of technology, makes me well-suited for the position.

The Vice-Chair: Thank you very much, Mr Shukla. We have a little bit of time for the government members.

Mr Frank Mazzilli (London-Fanshawe): A comment, sir, and I'll make it quick. I have very many good friends who are electrical engineers. Certainly, while the

rest of us are terrified of technology, the one thing I find about electrical engineers is that they're not, that they're always looking for the next step and then way beyond most of us. But the other quick comment is, all of my friends who are electrical engineers don't practise electrical engineering. They've moved into other successful fields. Why is that? It's a curious comment. Many successful people who have engineering backgrounds don't practise engineering. Just very quickly, and I'll move it over to the opposition.

Mr Shukla: I think I'm an example of what's a widespread phenomenon, which is that as we enter the information age or whatever you want to call it, people who are technically literate find there are so many interesting opportunities that never existed before, so they sort of follow their nose. I followed my nose to law; other people have followed their nose toward other sectors. But you're right. I have many friends from my engineering days who are not practising classical engineering in the way that 25 years ago we all might have been.

Mr Mazzilli: Thank you. Just curiosity and observation, something I had noticed.

Mr Wood: We'll waive the balance of our time.

The Vice-Chair: Thank you, Mr Wood. We'll move to the opposition.

Mr Bradley: I would say some of my best friends are electrical engineers as well, but I won't dwell on that at great length. I will ask you this question, first of all, since you did get a law degree. Do you recall what the tuition was at Queen's when you were getting your law degree?

Mr Shukla: It was accessible to a middle-class kid like me.

Mr Bradley: Which would have been how much?

Mr Shukla: I don't remember exactly, but roughly it would have been \$1,000 and some, I think. By then I was having to access the student loan program.

Mr Bradley: At the present time, the University of Toronto, I think with the acquiescence of the government, is going to double the tuition for law school from about \$11,000 to \$22,000. Do you think, as you would describe yourself, a middle-class person or even, let's say, another person of very modest means would be able to easily access a law degree if they had to pay \$22,000 a year?

Mr Shukla: Without knowing more of the facts, I agree that a sticker shock does appear there. But I don't know what the other factors will be in the other programs that will be implemented if there is to be a tuition rise. But it's something I'd be very concerned about. We need a meritocracy to have a well-functioning economy and social harmony.

Mr Bradley: Thank you on that question. I am very concerned with something you said. Just to give you some background, I've been a member of the Legislature and I have people in my own party and other parties who may disagree with me on these matters but who have expressed very grave concern about the expansion of gambling opportunities by governments of all political

stripes—Conservative, Liberal and NDP—right across the country and the national government, and in other jurisdictions. I see almost a wildfire out there, the expansion of it.

I heard you mention that you hoped to be around to implement—and I may have mischaracterized what you said—Internet gambling opportunities. My concern is that this government, just when you think they've found the last possible way to bleed money out of the desperate and people who are in circumstances where they may be addicted, will find yet another way.

Do you believe you were appointed by the cabinet because they want to get into the field of Internet gambling now?

Mr Shukla: I apologize, sir. I seem to have confused you. What I meant to say, and I hope I did say, was that I hope to be in a position to assist the OLG in implementing its Internet strategy, which does not necessarily encompass Internet gaming. It's a telecommunications channel that is available to all entities, and I understand that organization is interested in exploring the Internet, not necessarily for an actual on-line casino. For example, a Web site is part of their Internet strategy.

Mr Bradley: Would you be opposed, sir, to the government of Ontario's becoming involved in Internet gambling as a proponent, as an operator, let's say, of Internet gambling through the Ontario Casino Corp or the Ontario Lottery and Gaming Corp? Would you be opposed to that?

Mr Shukla: In the present context?

Mr Bradley: In the present or future context, would you be opposed to the Ontario Lottery and Gaming Corp becoming involved directly as an operator of Internet gambling?

Mr Shukla: I'll answer the question in two parts. The present: I think right now the status of on-line gaming is of interest to Internet lawyers like me because it kicks up a lot of activity. That's what I meant to indicate. It's a big industry. Right now, I have read estimates that last year it was a US\$3-billion industry, not being participated in by organizations like the OLG. But, as it presently stands, I think it is far too early for a reputable organization like the OLG to get involved in on-line gaming.

As to the future and how it evolves, I suspect that you and I do not share a certain philosophical outlook. I'm not a prohibitionist on gaming matters. My fear is that if you force things underground, which really the present on-line gaming industry is, then you may give rise to certain problems. Perhaps one day the consensus will be to get involved in some sort of socially responsible way.

I take it as a given that Ontario has made a significant policy choice in having gaming accessible via a publicly controlled entity and that it will always be implemented in a socially responsible way. I just don't know how the future is going to evolve and what the factors will be when people consider, is it better to get involved and have reputable organizations involved or should it continue to be on the margins and fringes of legality, if not outright illegal?

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Mr Bradley: I suppose we could use that same argument if the government wanted to get into the business of peddling heroin, but I won't go down that path. I will look instead at a concern I have about governments implementing policies and then wanting to get money for the political party in power. Let me share with you a letter that has gone out.

"The Ontario Harness Horse Association has received phone calls from its membership looking for information on the upcoming Progressive Conservative leadership campaign. Most of these calls are of the inquiring nature of how horse people can help a party that has been so favourable to the racing industry. Our advice to you, the horse people who wish to get involved, is to join the PC Party and vote for the candidate of your choice. The association ... has financially contributed to local riding associations and we have also purchased a signature sponsorship for the five city leadership debates tour in Toronto, Ottawa, London, Thunder Bay and Oakville. Your OHHA presence will be prominently displayed in signage and banners at all debates at the leadership convention."

Do you have a concern that when policies of this kind are changed—in other words, we now have semi-casinos going on through the back door at racetracks at the present time; they have slot machines—somehow this can then be exploited by a governing party, such as suggested in this memo, for the purposes of raising funds? Do you have a concern about that connection?

Mr Shukla: Sir, I think I understand the political point you're making, but as a potential director of the OLG, I'll simply be limiting my functions to a governance role. I really don't want to venture into—

Mr Bradley: But you will be making recommendations on whether they can find new ways to bring in new gambling opportunities. If that comes to the board, you will have an opportunity to make those decisions. I guess ultimately the government makes the decision, but you as a member of the board would have that power to suggest that they expand into a new area or even that they contract from present areas. My concern is, just as when Mr Rob Power, who is head of the Ontario Trillium Foundation, sent a letter around to all the people who were on the local appointed committee saying they should give money to the Progressive Conservative Party, having been appointed to review those who wanted to give Trillium grants in local areas, again here we're seeing a specific connection between political fundraising and an initiative by the government. Do you not see that as a problem?

Mr Shukla: I haven't had the benefit of an orientation, which I gather new members of the board receive, and I suppose at that time I'll understand more about the process. But as a director of an entity which operates at arm's length from the government, I'll just be helping to make good decisions for the organization and helping to run its business in a socially responsible way. That's really all I can say about that.

Mr Bradley: The government of Ontario at one time wanted to open 44 what they called “charity casinos” around the province. Now, we understand the difference between a casino for instance in a border area which would be designed to be a tourist attraction and one which is an attraction for local people who could be spending their money at Canadian Tire or Loblaws—Loblaws doesn’t exist any more—A&P or something like that, could be spending their money productively there.

Mr Steve Gilchrist (Scarborough East): Did he say Loblaws doesn’t exist any more?

Mr Bradley: Does it—not the same name in our community.

Mr Gilchrist: Galen Weston would be very surprised to hear that a multi-billion dollar company has ceased to exist.

Mr Bradley: I don’t have a Loblaws in my community; let’s put it that way. In my community it does not, but in many other communities it does.

I guess the question is, are you not concerned that these constant new gambling opportunities that would be available through 44 new casinos, if the government were to move back in that direction, would in fact have a negative impact on the communities in which those so-called charity casinos are located?

Mr Shukla: I’ve tried to indicate—and perhaps I’m not making myself clear, sir—that I think it’s critical that the OLGC exercise its mandate in a socially responsible way; that is, for the benefit of Ontarians and not to harm Ontarians. So I wouldn’t support any aggressive expansion of the business that would have deleterious effects on the community. I think that’s one of the reasons the OLGC is in the gaming business and not private sector companies.

The Vice-Chair: Thank you very much, Mr Bradley.

Mr Bradley: Thank you very much for the opportunity to ask questions on one of my favourite subjects.

Mr Martin: I have to say that even though I’m not a prohibitionist either—we have a small casino in my own community of Sault Ste Marie, and it seems to be working out OK—I do share some of the concerns of my colleague from the Liberal caucus that we’re moving very quickly in a field where government—and I was part of that government in the early 1990s—initially claimed they were going to be very cautious. We introduced a casino in Windsor and we said we would wait until we saw the results of that, the impact on the community etc, before we went any further. Then, when the present government was elected in 1995, they said they would not do any more casinos until there were referendums in communities, and at one point they said there would have to be a provincial referendum. But there was no such provincial referendum, and we now have a number of casinos established in the province.

You probably don’t have it, but we have a paper in front of us that kind of lists the racetracks with gaming opportunities in them that have been established. There is quite a significant number, and more to come. As I drive down from Sault Ste Marie past Barrie, I see a new one

rising out of the ground on the west shoulder of Highway 400.

What I would like to know is, in your role as a governor on this board—I know your legal background and it’s very impressive; it can’t but be—what’s your socio-economic background? What ability or facility do you have to help when decisions are made re expansion? I have to say a red flag has gone up for me too when you mention your expertise in terms of Internet activity. What socio-economic background do you bring to the table that would be helpful in those kinds of decisions?

Mr Shukla: What socio-economic background?

Mr Martin: Yes, understanding of—

Mr Shukla: I think I’m a classic example of a Canadian success story. We came here without a lot of money. You couldn’t take money out of India at the time we left, so we came to Canada with our skills and our hopes, and because of the opportunities this society provides to people who do not have substantial wealth, I was able to get a good education and pursue a career that I chose. I think I have a good sense of the community in which I live. I have been here a long time. I’m part of it. I indicated that I am raising a family and I have been involved in launching my business, which brings me into contact with a lot of people. I take very seriously the idea that the OLGC must exercise its mandate carefully, cautiously and socially responsibly, and that would be of very great concern to me.

In terms of what the board has done in the past, obviously I wasn’t part of that board and I can’t answer for decisions that were made on the basis of information I don’t know and other things. But as far as the board of the future is concerned, should I be a part of it, I can assure you that I have a great deal of sympathy and concern for the sentiments that have been expressed, including by Mr Bradley. I just don’t happen to share his view, because I am concerned that if you absolutely come down on gaming like a ton of bricks, you’re going to push it underground and create other problems. I support the basic approach where it’s done through an institution that’s answerable to the public and that it exercises its role with caution and responsibility.

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Mr Martin: I guess my concern is that this institution that’s answerable to the public actually understands what it means to be doing some of the things they do and the impact that will have on the communities in which they exist and the people the offering is made to. Nobody will deny that you are a success story. There are many stories out there in the naked city, though, that aren’t very successful, people struggling to get by, to make ends meet, tempted by opportunities to double their money when perhaps they shouldn’t be. We need people at the table of this corporation who have some background, some training, some experience, some knowledge of that kind of thing as well, so that when decisions are made all of that is put in the mix and we balance that out.

I’m asking, maybe a bit more specifically, what involvement have you had in, say, social planning councils,

community councils of any sort, to ascertain or determine what impact any further expansion of gambling will have on the everyday life of citizens and communities?

For example, what understanding do you have of the impact of this new method of collecting money through gaming and then running it through the Trillium Foundation so that charities that normally went out and raised their own money through the various and sundry and exciting ways they used in the past and no longer can because either the money isn't there or they're not being licensed to do so—what contribution can you make to this board in terms of your background, experience and knowledge in those areas?

Mr Shukla: I suppose one way I can maybe assist you in understanding who this person is is that during my time in Kingston, not only was it good for me to get out of Toronto and experience life in Ontario from outside Toronto, but I think I indicated that I worked for a sole practitioner, and we did a lot of work on legal aid certificates, something I did not do on my return to Toronto and working in the Bay Street environment. During those three years, I assisted on small-time Family Court matters, criminal matters, real estate matters, the sorts of things a county seat like Kingston generates. For a boy from the suburbs of Toronto, it was an eye-opener. I learned a lot. As I indicated, I actually considered staying. I felt it was a rich and wonderful life in Kingston.

In terms of understanding what life is like on the other side of whatever you want to call it, I have some experience with it. I live in Cabbagetown in Toronto. That's a choice I made. It's a neighbourhood I love. It is a mixed area. It's a vibrant, wonderful part of town. There are challenges in our community, and I'm aware of them. So that's point one.

Point two, I am not somebody who is very familiar with the gaming industry. In terms of understanding how gaming has operated in Ontario, up until now I have a citizen's level of understanding of it. In the Internet area, I have been following it, as have my peers in the Internet law bar, simply because it is such a fascinating area to watch developments bubble up. But in terms of councils or committees I've been on that might focus on the narrow effects of the gaming industry, I really can't claim an understanding or expertise in those things. As part of my orientation and my work on the board, should that arise, I fully intend to become a far more learned person about this and carry out my responsibilities in a full manner. That will involve me learning a lot, I'm sure.

Mr Martin: If I might, I just want to focus for a minute on this issue of Internet gambling, because there's been a huge red flag put up for me here this morning. Following up on some of the questions from the member for St Catharines, your first response to him that you might bring your expertise to bear, for example, on setting up a Web site, that's not quite honest, I don't think, or it's a bit frivolous to say. There are lots of people out there who can put up Web sites in a matter of days. To suggest that your expertise, which is, as I said, quite impressive, be brought to the development of Web

sites I don't think is where the lottery corporation is indicating by your appointment that they're really wanting to go.

I worry as well. When we were talking about the introduction of slot machines to Ontario, we specifically decided not to put them in bars because of people coming in on their own, sitting down and spending hours in front of them and the potential that was there to harm people. Imagine people being exposed on their computer at home in their basement to the possibility of gambling and the addiction that might generate or attract. It concerns me. It concerns me big-time that that may be in fact where we are going and that your appointment may indicate that's what this corporation is looking at. Can you tell me that's not true, here today?

Mr Shukla: I believe, sir, that there has been some miscommunication here. The lottery corporation has an Internet initiative. It consists of seven components. My assumption is that's one of the key reasons why Mr Barbaro invited me to be on the board. Element number one of that seven-part initiative is the Web site. The Web site is up and running but, as I hope you know, Web sites are never really finished; they're always a work in progress. A great deal of my practice, sir, is involved in advising clients as their Web site evolves over time, as technology changes, as laws change. So I think someone like me, who regularly advises entities on how to manage their on-line presence—that could be something which will be called upon quite frequently. So I don't agree that Web sites are a slam dunk, and my involvement on the OLG Web site as that evolves over time would be negligible.

The Vice-Chair: Mr Shukla, we have to wrap up. Thank you for your time. We appreciate it. We will be voting on your appointment, Mr Shukla, as well as the others this morning, at the end of the next interview.

We will move on to our next appointment. I believe I am staying in the Chair position right now.

HUGH NICHOLSON

Review of intended appointment, selected by official opposition party: Hugh Nicholson, intended appointee as member, GO Transit board of directors.

The Vice-Chair: If we could call forward Mr Hugh Nicholson, who is an intended appointee as a member of the GO Transit board of directors.

Good morning, Mr Nicholson. Welcome. Like all people brought forward, you have an opportunity to say a few words in advance of the interview, so feel free to do so. Then we'll begin our questioning with the official opposition.

Mr Hugh Nicholson: First of all, let me begin by thanking you for the opportunity to appear this morning, both to present my own credentials and to explain to you why I would like to be on the board of GO Transit.

To go back a few years, I'm not originally from Ontario; I'm originally from Cape Breton Island. I come from several generations of coal miners. We moved to

Ontario in 1966, took the train actually, and settled in Oshawa, where I lived until 1975. At that point, I left to attend university. I graduated in 1979 from York University here in Toronto with an honours degree in political science and history. My goal was to pursue a career in the civil service.

From 1979 until 1985 I was a property tax assessor with the then provincial Ministry of Revenue in Whitby, and at the same time I was continuing my studies at night, obtaining a certificate in corporate communications from Humber College in 1985. In October 1985, I joined Oshawa This Week, which was a part of the Metroland chain of newspapers owned by Torstar, as an advertising sales rep, and within six months was the top sales rep in the division and one of the best in the company.

Within three years I became the director of advertising for four successful newspapers, stretching from Pickering to Cobourg and up through Durham region into Port Perry and so on. In 1983 I was asked to take on the position of publisher of Peterborough and Lindsay This Week. These were two essentially bankrupt newspapers which we had started back in 1989. They had not shown a profit, and I was the fifth publisher to actually go into the market to try and turn the situation around.

In the subsequent years I proceeded to build one of the best management teams in the business, and by the time I left in May of last year we had created a division of nine profitable newspapers, two successful on-line editions and a direct mail business. In addition, we have won over 40 international, national and provincial awards of excellence, and we are among the highest-read newspapers in the industry, not just in the community newspaper business.

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I have served on a number of different bodies and organizations over the years in the communities that I've served in: chambers of commerce in Peterborough, Lindsay and Oshawa. I've been on hospital boards and so on. I spent seven years as a regional councillor and chair with TVOntario and I'm currently on the board of St Joseph's Foundation in Peterborough and on the executive committee of the Institute for Healthy Aging.

In May of last year, having achieved everything I'd set out to do and more, I left Metroland to pursue other interests in the media business, which is what I'm currently doing.

As for why I want to be on the board of GO Transit, I guess it comes down to two reasons: (1) because I want to serve my community and (2) because I think I can make a difference.

I feel I have much to offer if I'm successful in being appointed to the board. I have a history of operating successful businesses that not only generated a profit but provided important public service, not unlike in some ways a transit system, which has two functions. As a successful marketer, I can offer advice on helping to market the service, increase ridership etc, and I have done well in the past in determining what people want

and providing that product, as evidenced by the readership of our newspapers.

Much of my success in business has been a direct result of my ability to forge partnerships with business, individuals, institutions and so on in the communities in which I've worked. I think this would be an asset as the transit system expands and searches for new partners in both the public and private sectors. My experience in the public as well as the private sector will enable me to understand the realities of an operation that is both a service and a business, and also how to bring the public and private sector elements together.

Finally, I'm committed to public transit as a vital factor to ensuring the continued free flow of goods, services and people if we are to continue to grow and be prosperous. As we saw in the aftermath of September, any interruption in that flow can have severe economic and personal consequences. I am also committed to public transit, from an environmental standpoint, as a way to reduce pollution and congestion on our roads.

I'd like to thank you this morning for allowing me to make this presentation. Any questions?

The Vice-Chair: Thank you very much, Mr Nicholson. We will begin the questioning with the official opposition.

Mr Bradley: Mr Johnson always insists that I ask a question he referred to as the Joe McCarthy question, which is—and sometimes we get surprised over here when we ask this, you know—are you now or have you ever been a member of the Progressive Conservative Party or supported a Progressive Conservative candidate?

Mr Nicholson: Yes.

Mr Bradley: OK. We always have to ask that one. Mr Johnson said earlier today that we had to ask that question.

Mr Johnson: You took all the wind out of my sails.

Mr Bradley: Thank you very much, sir. My second question is, did you specifically seek out this appointment or did someone ask you to stand for this position?

Mr Nicholson: No, I sought it out. I was quite interested in getting involved with GO Transit and sitting on the board, so I spoke to our local MPP Gary Stewart and expressed my interest. Then I had a call requesting my resumé and so on.

Mr Bradley: I see. You are from Peterborough?

Mr Nicholson: Just outside.

Mr Bradley: The Peterborough area, sorry. I shouldn't say that, because people, I know, outside of a major metropolitan community like Peterborough or St Catharines sometimes become annoyed if you say they're from that city and they're really from outside.

I understand from some material I have read that you are an advocate of expanding GO Transit to such areas as Peterborough so that the people of Peterborough and the surrounding area would be able to utilize that for the purpose of travelling to Toronto or Mississauga or wherever GO Transit would go. Would I be correct in assuming that?

Mr Nicholson: Yes. I think it's correct to say that where the numbers and the dollars could be justified, I would certainly be in favour of expanding the system, both to Peterborough and anywhere in the province we can make the case for.

Mr Bradley: I can be parochial because I read a book once by a former Speaker of the House of Representatives that said all politics are local, so I'll put on a parochial hat for a moment and ask this question. There are people in the Niagara Peninsula, especially the community I represent—St Catharines, Niagara Falls and other parts of the Niagara Peninsula—who have expressed a desire to have a form of GO Transit service come to our communities.

I'll put on the table first of all that, as you wouldn't anticipate, I think, in the Peterborough area, we wouldn't anticipate in the St Catharines area the frequency of service from, for instance, Oshawa in or Mississauga in, because that's a major commuter situation there. But would you envisage the possibility of St Catharines and Niagara Falls, and perhaps Fort Erie and other areas of the Niagara Peninsula, having perhaps a form of GO Transit extended to those areas?

Mr Nicholson: Yes, most definitely. If the dollars are available and it can be justified in terms of ridership, absolutely. I think that makes a lot of sense.

Mr Bradley: Do you think public transit provides an alternative to the constant effort on the part of governments of all stripes, everywhere, to continue to widen highways?

Mr Nicholson: I think public transit has to be an integral part of the overall transportation mix. I ride the GO train myself every day from Oshawa. It's a fabulous system. I don't have to worry about parking. I drive to Oshawa, I get on the train, it takes 40 minutes. So I don't think it's going to replace the automobile. Having spent a large part of my life in Oshawa, I have a few friends who wouldn't be happy if I was to advocate that we don't need a car any more. But definitely I think it's a critical part of it. The more people we can put on trains, the better it is.

Mr Bradley: Then it is an option available. I would certainly agree with that. We aren't going to replace the automobile in our society with our geography, and so on.

One of the problems we encounter at various of the GO stations is, indeed, the accommodation for individual vehicles. People want to use the GO service, but if they see a parking lot that is jam-packed, they might well continue on and out to the highway. How do you think that can be addressed? Will we be into, perhaps, parking garages? How can we address that problem of having people utilize the system by having parking lots available?

Mr Nicholson: Having experienced that problem on occasion, I think parking garages are definitely one option; going up instead of out, for example. Possibly, finding off-site parking and providing shuttle services between off-site lots to the stations may also be a factor.

Mr Bradley: The automobile companies also, in some cases, are involved in making other kinds of vehicles.

Some may even be involved in train engines and train cars and so on, so there's a possibility of some job opportunities as well.

Here's what people will say to you and to me, I suppose: "If you want me to use this service, first of all, it has to be reasonably economical to me. Second, it has to be reliable. Third, it has to be somewhat comfortable; not a cattle car, but something that's much more comfortable." Where would we be able to generate the funds to meet those? Do you see this as a private-public partnership, all private, all public? What would be your bias?

Mr Nicholson: Ideally, it would be a combination of private and public. In the instances where there have been moves in that direction, for example, the 407, I think that's a positive step. I don't think it's necessary that the government must own the system 100% in order for it to be efficient and effective. So I would say that the solution will be in some kind of a partnership between the public and private sectors.

Mr Bradley: You mentioned Highway 407, which allows me an entree to that particular issue. You seem to speak of it somewhat favourably. My constituents who phone me who use the 407 are not amused when the bill comes in. They're not amused, as well, with the way in which the collection takes place and penalties are added for a variety of reasons. So we do get calls in our constituency offices. In that particular case, it looks as though the government—this is a subjective evaluation; my friends across might not agree with me. The government certainly gave to those who now own Highway 407 an asset which (a) is supposed to be valued far greater than what the government sold it for and (b) seems to permit this company to raise rates almost at random, much to the rage of those who use the highway.

So how would that be of benefit to the people of Ontario?

Mr Nicholson: I would think that anything that allows us to increase the capacity to handle the traffic—I've spent many days on the 401 sitting, waiting. I've taken the 407, and I think that if there are ways to increase the capacity, and we may not always totally agree with how it's done, but if the outcome means that we have less traffic on the 401, that you're able to go from the Don Valley to the airport and catch your flight on time, then I think that's a positive thing.

Mr Bradley: It would be said by some, and I have observed this personally, it has been my observation—again, there are others who I'm sure respectfully disagree with me—that more and more we're having an Ontario for the wealthy and an Ontario for the not-so-wealthy by such things as people of very modest income being pretty well stuck on the 401 if they're driving a vehicle, because to pay the outrageous charges—"outrageous" being my description—for Highway 407 precludes many people in the lower income brackets from using it with any degree of frequency but allows people who either have the money themselves or have somebody else paying their mileage to use it. Do you not see a danger of that?

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Mr Nicholson: I think as long as the government is committed to improving the 401, widening the 401 and so on, and maintaining it, then obviously they're making sure there are options, that you aren't forced to either sit on the 401 or pay, as you characterize it, exorbitant fees to drive the 407. I think that's clear. The government isn't about to abandon public highways and so on. I think there are still options.

Mr Bradley: My colleague Mr Phillips asked a question of another applicant before us, another intended appointee before us, about potential conflict of interest. I don't see it in your resumé. Would you see any conflicts of interest that would arise in your background or your present situation?

Mr Nicholson: No, I don't believe I have any at all.

The Vice-Chair: Thank you, Mr Bradley. That's spot on the time, 10 minutes.

Mr Martin: Thank you for coming this morning. You'll probably not be surprised that one of the things that piqued my interest right off the bat looking at your resumé was this point that you make: "Achieved one of the lowest rates of staff turnover in the company while being the only union-free division." Were you trying to send a message to somebody there or does this indicate a bias on your part? What am I to read into that?

Mr Nicholson: I should step back a bit. As I said, I come from generations of coal miners. My family were always quite active trade unionists. My father was a union steward and so on. My reference to that was that we ran an operation where, although we achieved great success, we had an open-door policy, we looked after our staff and, as a result, we were non-union. That made us unusual in our company and unusual in the business. I took that as a signal that we knew how to run a good business, we treated people fairly and equitably, and that was the result. They didn't feel the need to unionize to get what they needed and wanted.

Mr Martin: So it doesn't indicate on your part any kind of a bias against unions.

Mr Nicholson: I've been a member of a union myself, Mr Martin. I was a member of OPSEU for six years.

Mr Martin: OK. Moving on then, you sat this morning very attentively as we interviewed Mr Leach. Certainly some of the questions and issues raised by Mr Phillips were, in my view, interesting. I didn't put that together myself, but I have a keen interest.

We also had the chair of the new board that you're being appointed to before us last week, and in that discussion a number of things came up that I just want your opinion on. He chaired the GTSB, which was not successful in arriving at a plan. Some of the reasons given—not necessarily by him, but others—is they couldn't get all the players to ante up, because it's very expensive to do this and it's a question of, how do you get people beyond the turf wars? If he wasn't able to get people beyond the turf wars in his previous incarnation as chair, I was concerned if he would be able to do that now in this new consortium of groups and all that. If he's not, given

his past track record, what is it that you could bring to the table that would give us some comfort that in fact we are going to have a plan that will work within a matter of a few short years?

Mr Nicholson: I think certainly my background in business. I'm very bottom-line oriented. I have a strong sense of urgency. I want things done yesterday, basically, if I can have it that way. And I think the new board, which is comprised of both public servants as well as people from the private sector, will be an improvement because the previous incarnation was essentially made up of elected politicians and so on and, as you say, the turf wars erupted. I think in this instance, having that private sector involvement will help to push things along and help to expedite it in some ways and maintain a focus on getting the job done, on achieving the goals that we've set out to do.

I have experience, as I said, in both the public and private sectors, so I think that has equipped me to have some understanding of how both systems work and how we may be able to forge bridges between those two realities to bring them together to achieve what we want to achieve.

Mr Martin: Will your stated political affiliation be helpful to you, particularly when you consider that one of the major players protecting their turf is a Liberal federal government?

Mr Nicholson: I haven't carried a card in about 15 years, so my involvement has certainly not been recent. But I would hope that something as important as public transportation in the engine of the country, which is the GTA, would be above partisan political considerations. So I would not expect—or I would hope not—that that would play a role in it.

Mr Martin: But you think your own personal set of skills and abilities will be helpful in getting the bulls into the ring and orchestrating the dance, I guess.

Mr Nicholson: I think so. The business I was in meant dealing with the public. You didn't know from one day to the next what you were going to be faced with—often difficult situations, judgment calls and so on. I think over the years I've been able to build a pretty good reputation as someone who can bring people together, who can find common ground, who can be a conciliator and so on and, at the same time, come up with a solution that works. So I'm looking forward, if I'm appointed, to bringing those skills to this board.

Mr Martin: I want to just focus for a minute on the issue that Mr Phillips raised. If it becomes obvious to you that there is conflict of interest happening—that Mr Leach, for example, in his role as member of the board of Highway 407 or the corporation that owns a lot of the capital that GO Transit will have to manage and that becomes an issue—what do you see your responsibility being in that kind of situation, if you detect that somebody else has a conflict of interest and it may be interfering in the public interest of this venture moving forward? What do you see as your responsibility there?

Mr Nicholson: I sat in on Mr Leach's presentation this morning and I was quite reassured that he was aware

of the potential and would act accordingly if that were to arise. In my own personal situation, if I were to become aware or feel that that was an issue, I would probably take it up with the chair one on one and express my concerns and see how they would deal with it. But I'm not there representing a particular business interest, so I'm not the kind of person who will sit back and basically nod and not raise a point if I feel that something wrong has happened.

Mr Martin: On first blush, do you think Mr Leach has a conflict?

Mr Nicholson: I'm not entirely certain of all his involvements. I know lots of people in business who sit on a number of boards and commissions and so on; some of them are heavily involved and for some of them it's basically just another thing on their CV. I'm not sure I'm in a position to answer that, not knowing exactly what Mr Leach's involvement is on both those boards.

Mr Martin: Thank you very much. That's helpful.

The Chair: We now go to the government caucus.

Mr Wood: We will waive our time.

The Chair: Thank you very much for that indication. The government has waived its time. Sir, you may step down. Thank you for being with us today and for answering our questions.

The Chair: We will be dealing with the consideration of these individuals. I should mention to Mr Martin that we will not be dealing with the individual at 1 pm, so we will be reconvening at 1:30. At this time we will consider the appointments that are before us this morning.

Mr Wood: I move concurrence re Mr Mugford.

The Chair: Mr Wood has moved concurrence in the intended appointee as member, Ontario Film Review Board, of Allan Mugford. First of all, any discussion?

Mr Martin: Even though Mr Mugford presented as a very nice family man and, to many other appointments, I wouldn't have any real difficulty, I'm just becoming more and more concerned—I don't know about other members of the committee—that we're getting people before us here, now lots of them, appointed to this board who have no other understanding of or experience or involvement in this very important piece of public business other than the fact that they're parents and they want to protect their kids.

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This is a very complicated, difficult, sophisticated issue. If you look at the material that was prepared for us to help us decide whether we think the appointments are appropriate, you'll note that this is a debate that is going on out there in the public that has tremendously significant ramifications no matter which side of the issue you come down on. To be continually appointing people to this board, which I believe has been the track record here over the last few weeks and months, who have no platform from which to launch into it except for the fact—and I don't diminish it for a second; it certainly is important—that they're either a grandfather or a father of some children, they have some time, they don't mind watching some movies, sitting down with the guys after

and making a decision about where they fit in terms of their classification and then sort of moving on, no sort of broader understanding of the debate at all, I think that we will find ourselves in some real difficulty that could be avoided if we were to work harder at trying to find some balance in terms of who sits on this board. We had a person before us last week who got appointed who had some obviously very strong and very sincere religious affiliation and conviction that I suggest may cause him and us and the general public out there some difficulty down the road as we watch him perform in this capacity.

So it's having said that that I certainly will not be supporting Mr Mugford this morning in his appointment to this position.

The Chair: Any further discussion of this appointee? If not, I will call the question. All in favour? Opposed? The motion is carried.

Mr Wood: I move concurrence re Mr Leach.

The Chair: We have discussion, then, of this. Does anyone wish to discuss it? It has now been moved by Mr Wood, concurrence in the intended appointment of Mr Allan F. Leach to the GO Transit board of directors.

Mr Gravelle: Certainly all members of the committee should have very real concerns related to the appointment of Mr Leach. I think it's very apparent that indeed he is in a serious conflict related to his position with SNC-Lavalin, perhaps even more so with the board of the 407 corporation, which obviously we weren't even aware of until he actually made reference to it this morning. I think that's one that Mr Leach himself did not seem to be willing to even accept as being a potential conflict. I appreciate he's a man of honour and he indeed said that if there was a conflict he would do something. But it's an extraordinarily strange juxtaposition. Here's a man who is sitting on a corporation or two boards that are obviously designed to try and get more cars on the highway and more cars passing through so they can get more money, and then one who is asked to sit on GO Transit.

It seems ironic to me that this is also the man who, when he was minister, was responsible for removing all support for public transit in the province of Ontario for a number of years. Many of us were up many times saying that we should have it returned. So that seems like an odd thing as well.

Also, just the appointment itself: I do wonder what role Mr Leach is playing. He's obviously being appointed as somebody who is very well connected to the government in terms of the direction they want to go, and it gives me some concerns as well. It's clear that he would be appointed by a minister who is presumably a friend and somebody who does want him to play a certain role, which reminds me of some of the concerns that have been expressed about a former federal minister who was being criticized for trying to appoint people to a crown corporation.

So I think there are a variety of reasons why our caucus would not be supporting it and I will be voting against it. I think the government members should have those concerns as well, because it's clear that there's a

very serious conflict, let alone other concerns. I'll be voting against it.

The Chair: Thank you, Mr Gravelle. Any other discussion on the appointment of Mr Leach?

If not, I'll call the vote. All in favour? Opposed? The motion is carried.

Mr Wood: I move concurrence re Mr Shukla.

The Chair: Mr Wood has moved concurrence in the intended appointment of Mr Shukla to the Ontario Lottery and Gaming Corp board of directors. Any discussion?

Mr Martin: Recognizing the vast amount of expertise that Mr Shukla could bring to this appointment, I have to say that I'm very, very concerned by what it indicates to me in terms of direction for the Ontario Lottery and Gaming Corp. It certainly isn't someplace I think we should be considering going at this time, certainly not without full and broad consultation with communities and with people across this province. I think it's a very dangerous area to be looking at, added to everything else that has been offered now by this government without any broad or public consultation about the expansion of gaming opportunity at racetracks. I think we really have to slow down, we really have to think about this and consider it in the broadest context possible, its impact on communities, on people and on the charitable sector of our communities.

Because of that, I will not be able to support this appointment this morning, if for no other reason but to send a message to the government and to the lottery corporation that you don't go down this road without there being considerable concern and challenge and opposition to that, and that's getting into the area of Internet and computer gaming.

Mr Gravelle: Mr Shukla is a very impressive man, and I think he handled himself extremely well this morning. But I have concerns very much that Mr Martin expressed in that when Mr Shukla was responding to questions related to for what purpose he was being brought on the board in terms of Internet gambling, he was very specific about saying it was to help the gaming corporation with Internet strategies. To me, ultimately that's a code for what I think the corporation itself would want.

I certainly in no way question Mr Shukla's intentions, other than the fact that I think the government sees him as a person who can help them move in this direction, and that gives me a great deal of concern as well. I think it's entirely likely that that is the reason they are very keen to have him on the board. That expansion of gaming opportunities I think is one we should all be concerned about and it should be, quite frankly, something that is being at least openly discussed, if indeed that's where they're going and if the government is keen to appoint people such as Mr Shukla with that particular level of expertise.

So I think for that reason we should all be concerned as well. Certainly, we'll be voting against his appointment.

Mr Johnson: Mr Chairman, I just had a little bit of a problem with some of the excuses for voting against some of the intended appointees. My observations are these. In this particular man we have a very qualified individual, qualified in two or three different ways, but one is in law, and I think that's important on this particular board. He's qualified in electrical engineering and the Internet, although I can't really put my finger on that Internet; I think it's out there. It's a little like the air I breathe. It's hard for me to visualize it in some ways, and yet I don't want to minimize the importance of it, nor of the qualifications of the individual applying for it, and that is my point.

We were also asked a little earlier to choose Mr Mugford, whose qualifications as I heard them were that he was a family man and had some very basic qualifications in the sense that he felt it was a family who should decide what their family members should see. Sometimes that would not always be as easy as you would think, but he was kind of discouraged from that by the remark that he had no particular qualifications in spite of those very strong characteristics of background that I heard him express.

I wanted to point out, particularly with this candidate, does his knowledge of the Internet and electrical engineering give him a conflict of interest like we were supposed to sense in Mr Leach? He has a tremendous background in transportation, yet I notice that he is also involved in a company that has golf vacations. Those golf vacations, I think, would probably be done by airplane or highways in the United States, yet I didn't hear anything about the conflict of interest between that and GO or the 407 or the 401. So I'm a little bit perplexed, I guess, that we seem to be using different kinds of yardsticks or metre sticks or whatever guidelines we're using to judge these individuals.

But I did want to make this point, and that is that I am extremely satisfied with the qualifications of this individual and wish him well, because I wholeheartedly support his appointment to the Ontario Lottery and Gaming Corp board.

The Chair: Any further discussion?

Mrs Dombrowsky: I would not be able to support the appointment of this particular candidate, Mr Shukla, his credentials notwithstanding. The concern I have is that Mr Shukla indicated he had a conversation with the chair of the gaming corporation, at which meeting he very clearly indicated where his area of expertise was and, because of that area of expertise, the chair thought he would have some value on the committee. I think over the course of the conversation, I was able to determine that Mr Shukla would probably be an advocate of Internet gambling, and I have to say that I personally have some very serious concerns and problems if that were to be an initiative of the government. I'm not so confident that the perspective the intended appointee would bring to the corporation would be that of the average citizen; rather, in fact, I think he has a very clear and definite perspective that he, and I think he even today

suggested it by way of his comments, would be advancing at that body. So for those reasons, I'm not prepared to support an individual who I believe will be there and will be most definitely advancing an area of gambling that I don't agree with, that I don't think would be healthy for the people of Ontario.

The Chair: Any further discussion? If not, I'll call for the vote on the appointment of Mr Shukla. All in favour? Opposed? The motion is carried.

Mr Wood: I move concurrence re Mr Nicholson.

The Chair: Mr Wood has moved concurrence in the intended appointment of Mr Hugh Nicholson to the GO Transit board of directors. Any discussion? If not, I'll call the vote. All in favour? Opposed? The motion is carried.

Our business for this morning is concluded. We will reconvene at 1:30 pm in this room.

The committee recessed from 1204 to 1334.

WENDY McPHERSON

Review of intended appointment, selected by official opposition party: Wendy McPherson, intended appointee as member, Niagara District Health Council.

The Vice-Chair: Good afternoon. We will call the committee back to order and we can continue on with the interviews of our intended appointees. The next intended appointee is Wendy McPherson as a member of the Niagara District Health Council.

Ms McPherson, if you could come forward and sit right there it would be great. Good afternoon and welcome. You have an opportunity, if you wish, to say a few words to the committee in general. When you are finished with that we will proceed to questions from all three parties, beginning I believe with the third party. Go ahead, please.

Ms Wendy McPherson: I'd like to thank the members of this committee for the opportunity to come before you today. I have prepared a short summary of my experience and my reasons for volunteering to serve on the Niagara District Health Council.

I was born and raised in Toronto. I attended the University of Toronto and graduated from nursing. While at the university I developed two interests in nursing which have remained with me throughout my career. Those interests are public health and mental health issues.

I started my nursing career at the Queen Street Mental Health Centre in the old Ontario hospital, not the current centre. Although I enjoyed working there and it was excellent experience, I had accepted a public health nursing position dependent upon my registration. I moved to the borough of York, now the city of York, when my registration came through. When I was hired I was told by the director of nursing that I was the first new graduate she had ever hired and she hoped it would work out for both of us. It must have, because I was there for seven years, until I left to have my daughter.

I worked as a generalist doing community visits, well-baby clinics, communicable disease follow-up, immunization and school health programs. I learned a lot in this

inner-city work environment. I did not return to this position because we moved to Whitby.

After two years at home being a full-time mother, I returned to public health nursing, although I also thought about Whitby Psychiatric Hospital. By this time nursing was beginning to specialize, and I worked on the adult health team. I eventually became the team leader there.

I worked for Durham for two years until I left to have my son. After my son was born, my husband was transferred to Niagara Falls. Again I spent two years at home as a full-time mother. I returned to public health nursing on a part-time basis teaching prenatal classes in the evening and working some days in various parts of the region. When I rejoined the workforce full-time, I continued to teach prenatal classes and to work on the adult health team.

A large proportion of the population of the Niagara region is over the age of 65. I had developed a love of working with seniors back in my borough of York days. In Niagara there were far more opportunities to work with seniors.

About 17 years ago I decided I wanted to specialize in geriatric nursing and enrolled in a master's program in Buffalo, because there were no part-time courses available at a reasonable travelling distance other than in Buffalo. Once I had my degree I looked for an opportunity to expand my experience. I obtained a position as a discharge planner at Greater Niagara General Hospital. After four years in that position, the opportunity arose to develop the geriatric assessment program and I was fortunate enough to be given the opportunity to use my skills and develop this program.

The Niagara health system geriatric assessment program is a unique program. It was established with the goal of providing local geriatric services to the senior population of Niagara. Before this program, seniors requiring specialized geriatric services had to travel to Hamilton or Toronto.

The program has clinical nurse specialists and geriatricians working together to assess patients and provide the primary care physicians with recommendations. This is a consultation service, not a primary care service.

The program consists of outpatient and in-patient services, community outreach and education. We have three geriatricians from McMaster providing eight clinic days per month. A clinical nurse specialist, who takes a history, does some tests and performs a physical examination, assesses the patients first. A report is generated and sent to the primary care physician with recommendations. Later the patient will be seen at the outpatient clinic by the geriatrician if necessary. Often the primary care physician has acted upon the nurses' recommendations and the patient is well on the way to improvement by the time the geriatrician sees him or her.

1340

Some patients do not require a geriatrician and the nurses' recommendations are sufficient. We see about 1,000 patients in about 96 to 98 clinics per year, with a yearly program budget of just under \$200,000. There is

an in-patient geriatric assessment unit comprising eight beds where patients can be assessed and treated.

I recently presented a proposal which was accepted by the executive of the Niagara health system in January this year to expand the program to the whole of the Niagara region. I am in the beginning stages of this expansion. The education component of the program consists of providing McMaster medical and nursing students with clinical experience at our clinic. The program also provides educational sessions for staff and workshops for interested health care professionals. We work closely with the Alzheimer Society, community care access centre case managers and other service providers.

This program was instrumental in the district health council developing a subcommittee to look at services for seniors in the Niagara region. I was a participant in all three phases of this process.

I am currently co-president of the Gerontological Nurses' Association for the Niagara region. This is an RNAO interest group. I am a member of the Ontario Gerontological Nurses' Association. I have taught courses in gerontology at Niagara College in the past. When my children were in school I was a member of the education council in their schools.

As for the reason why I volunteered for the district health council, I am at a stage in my life where I feel that I have the time and energy to give something back to my community. My husband and I have raised two relatively healthy, well-adjusted young adults who no longer need me to be a hockey mom, attend piano recitals or help with the learning process. I have resided in the Niagara region for the last 20 years and have worked in both the community and hospital settings throughout the whole region. I feel that I have a health care knowledge base, a variety of experiences in health care settings, both urban and rural, and maturity or life experience to offer.

I saw a call for volunteers in the newspaper and forwarded by resumé, as requested. I enjoyed working on the district health council subcommittees and wanted to remain involved. My personal reason is that I find new challenges exciting and view them as a learning opportunity. These opportunities help broaden my perspective. Thank you for your attention.

The Vice-Chair: Thank you, Ms McPherson, very much. We'll begin the questioning with the third party.

Mr Martin: Thank you for coming this afternoon and for putting your name forward to serve in this capacity. The answer is probably obvious, but what was the main motivation to seeking out this appointment at this time?

Ms McPherson: Well, I've been on boards in the past. I liked doing that. I worked on the district health council subcommittees and I found that interesting. I felt that it really broadened my perspective of the health care system. I have the time, and I saw it in the paper. There was also one for the library board, and I thought, "Well, I know more about health care than I do about libraries," so I volunteered.

Mr Martin: Did you do it out of some sense of there needs to be some fixing done? What would be the problems that you—

Ms McPherson: I work in the health care system. I know there is a need. There is a lot of change taking place and I know there's a need for people to be willing to work toward making our limited resources go as far as possible. I felt that partly our program was quite innovative and does function on a relatively small budget for health care. We see a lot of patients and I feel we do a lot of good. We have a long waiting list now because it's a very popular program. I felt that was innovative and therefore might be of value because there are seniors' issues in the Niagara region.

Mr Martin: What would the priorities be for you in health care right now?

Ms McPherson: We need primary care physicians desperately. We need more long-term-care beds in the Niagara area. The population is aging. Fourteen years ago, when I was working as a student at Dorchester Manor in Niagara Falls, the average age of the patients there at that time was 86.5 years. When it had opened 25 years earlier, their average age was only in the 60s. So people are staying out in the community much longer with the supports that are there, but eventually they need care. If you have somebody who is 85 to 90 living in the community, they are living with a spouse who is almost as old or older and their children are also in the seniors age bracket and are starting to develop problems with their health, and it's a very difficult situation. You can't expect families to carry someone who is very demented, in end-stage Alzheimer's. Families do a wonderful job keeping people out in the community for a long time. The supports that are out there aren't sufficient, but it's amazing what people can do to keep someone at home.

Mr Martin: What do you see as the district health council's role in all of that, in trying to respond to and answer some of the challenges you have identified and put forward?

Ms McPherson: At the district health council we did, with the subcommittee, develop a proposal for regional geriatric services. It was a coordinated proposal to take the various service providers in the area and get them to work together to provide a coordinated service to help people.

As far as nursing home beds, I know that we are getting some more nursing home beds. They aren't coming fast enough for some people; we have relatively long waiting lists. But the district health council is an advisory body to the Ministry of Health and Long-Term Care, and therefore they can make the concerns known to the Ministry of Health that these beds are needed desperately.

Mr Martin: And it would be your thinking that the ministry then should be responsible for responding to what you have identified as a need and should actually do something about it?

Ms McPherson: It would be nice, but I know also that we're looking at limited dollars, so we have to look at creative ways to help people. I've worked in both the community and institutions, so I've been in the institutions and I've seen people discharged home on home

care; then I've seen cutbacks in home care, and the same people come back in because the caregivers can no longer manage. When I worked as a public health nurse out in the community, I used to beg the home care coordinators—at the time, they were called coordinators—not to discharge somebody from home care, because I knew that the little bit of service that I was giving was keeping them there, the fact that I was at the end of the telephone and could talk to them and help them and provide them with the ways to continue to cope.

I do the very same thing in the position I'm in now, because I get families calling me and they say, "I just can't do this any longer. What can I do? I need a nursing home bed yesterday"—not today, yesterday. Often you can work with them to find enough resources—caregivers, daycare, respite care, that kind of thing—to keep the person from collapsing and coming into the hospital, which is already overloaded with care.

Mr Martin: Do you think the district health council should have more authority to direct the ministry to do some of the things it identifies as necessary, as opposed to simply being an advisory body? As you said a minute ago, you would hope the ministry would do something, but mostly it's a challenge back to the community to be creative.

Ms McPherson: I guess I've seen recommendations come from the district health council, and people I work with say, "Oh, well, it's a recommendation. It's not"—it would be nice if it were more than a recommendation. If they had more power, they might be able to implement things. They're still going to be limited by financial resources, so I think they can work as a body to help people get together, like we did with the proposal for the seniors' services in Niagara. There are a number of bodies providing service: the Alzheimer Society, the mental health outreach, our program, the CCAC. You can help them get together and coordinate and perhaps not duplicate and therefore use services better to help people so that we're not repeating the same analysis every time. It takes time to go in and take a history, so if we had a common record that everyone could share, then we wouldn't have to ask.

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As a public health nurse, when I was doing home care visiting, I would go in and I would be the fifth person in that day because the person had just been put on home care. Each one of us would take a history and ask the very same questions. If I happened to be the unlucky one who came in as the fifth person, the patient or the family was exasperated. If we had a common record, then we wouldn't be doing that. We could share our information. We wouldn't have to ask the same questions and frustrate people who are already having a difficult time dealing with the care they're providing for their family member.

Mr Martin: On the one hand, I need to say you're fortunate that you're going on a district health council that has actually done something in the last little while. There are at least four reports listed on the material that

we've been presented here today where your district health council has done some analysis, but there is nothing to indicate in here that anything actually ever came of that. I think you're absolutely right that the issue front and foremost right now in the health care system is money, where do you get the money? If, as a government, you've given the money away in tax breaks, you don't have it to deliver the kinds of services that are identified as necessary in your area.

In our area, we don't even know where the district health council went. We used to have one in Sault Ste Marie and it was very active. It used to pull people together around issues. It used to not only advise government but it used to tell government what it needed to do and all kinds of things. But we don't hear about it any more. It operates, I think, out of Sudbury somewhere and we're not sure what it does.

I just want to say good luck. I think you have a healthy attitude and bring a lot of experience to the job. Hopefully you will be able to move it and make it a body that will be willing to stand up to the government and say, "Hey, we need some more money in here if we're going to be able to do some of these things." Thank you.

Mr Wood: We'll waive our time.

The Vice-Chair: We'll move to the official opposition.

Mr Bradley: You have explained some of your background and your reasons for coming on the board. Did you have any contact with any provincial member of Parliament regarding coming on the board?

Ms McPherson: No.

Mr Bradley: This was strictly your own initiative, wasn't it?

Ms McPherson: It was my own.

Mr Bradley: That's very positive. One of the things that I have observed over the years is, first of all the district health councils were non-partisan, then they became partisan, and now I think—I hope—I am perceiving, from the people I've seen come before this committee, a move to a less partisan situation. That's positive, in my view.

We have a huge problem with the community care access centre services, home care services. They identified, I think, a \$9-million shortfall this year. They identified it last year and the provincial government provided the funding, and then this year reverted back to the old allocation. In your observation, is there an additional amount of money required for home care and extended care for patients in Niagara?

Ms McPherson: I think that we can always do with more money, but it's like my own personal finances. I could always do with more money too, but it's not forthcoming; therefore I have to live within the budget. I think that the CCAC, if we all work together instead of working in our little silos in Niagara—and I'm sure you're aware of all the silos. It's been a difficult struggle with the restructuring to get people to work together and co-operate.

I know Mr Martin said there wasn't any evidence that our recommendations for the seniors' services have

moved forward, but there actually is evidence. At the Niagara Health System we are regionalizing the program that was just in Niagara Falls, so we are now providing geriatric assessment services throughout the region.

The senior citizens' department has picked up one part of that recommendation and is putting in a behavioural unit. They're reorganizing. They're not getting any more beds; they're not getting any more money. They're reorganizing their beds and they're building a facility for behavioural management for 22 patients. They will provide that part of the recommendation for this service.

The Niagara—I've forgotten what I was going to say. There is another part of that that somebody has picked up on, and we are working toward developing something that is more coordinated than in the past, so that we're not duplicating, and we're trying to coordinate our finances so we can provide. All the while we were doing those reports it was, well, we know there's not likely to be more dollars coming, so we have to look at how we can do this the best way. It would be lovely to have an unlimited pot of money, but—

Mr Bradley: When the local CCAC asked for more money, the executive director was fired and board members are gone, and now a call has gone out to the local Progressive Conservative association executive to submit names for the CCAC board. Let me ask this question then: if you're prepared to accept the amount of money they're giving—I think you're going to get that amount of money—are you prepared to advocate for additional funding, or are you prepared to live with the funding they're going to give you?

Ms McPherson: What started my interest in all this was the fact that we were advocating for money for our program to the Ministry of Health. Our doctor, our CEO at the time, Mr Carter, and myself came to Queen's Park to talk with the Minister of Health, and we were directed back to the long-term-care ministry and the district health council, and that started the whole process. I think it's close to seven years now that we've been working on that, but we're finally beginning to see some progress.

Mr Bradley: You mentioned that you worked at Dorchester Manor and that the kind of patient—or the kind of resident, sorry—you would find at Dorchester Manor today, or any other seniors' home, is likely to be different from what you would have found 20 years ago in that they are substantially older and likely require heavy and more intensive care. Do you believe that the per diem, which has been in effect or raised only minimally over the years, should be raised so that these homes are better able to cope with patients and residents who require much more intensive care and assistance than was the case, say, 20 years ago?

Ms McPherson: I think the people we're looking at, at this point, who are aging and going into those facilities, will probably have better pensions than the people who are there right now. A lot of people who are in the subsidized homes for the aged are basically on old age pension and supplement, so they haven't got the resources to pay a higher per diem. So, if you ask for a

higher per diem, either the family is going to have to pick up the difference, if there is family, or the old age pension will have to be adjusted to pay that. Someone who is basically on old age pension and supplement is paying their full amount of pension, and they get a comfort allowance back. That's all they have. Their income is gone to keep them in that subsidized bed, and they receive a comfort allowance.

Mr Bradley: What I was thinking of in this case—I should have been more specific—was the per diem the province pays. Those who operate the homes at the present time are finding that residents and advocates on behalf of residents are complaining much more loudly about what they perceive to be a diminishing of services available to the residents. Do you believe it is essential then for the province to provide an additional per diem that it would pay the nursing home per year from the province to what is the case today?

1400

Ms McPherson: It definitely would be beneficial for the patients. We have a limited number of nurses available. We have a shortage of doctors and nurses in this province. People who like working with the elderly should be as well paid as people who work in emergency rooms and other places, but they often tend not to be. We have people who try to solicit our nurses and doctors away from our area, and we have lost a large number of them either to the United States or to other areas. We have nurses in the Niagara region who are not as well paid as the nurses in Toronto. Perhaps the hourly rate is the same, but the benefits are different. So we're losing nurses to places that provide an educational allowance and various things like that that we don't have available in the Niagara region.

The nursing homes are in even worse shape than that. I think people deserve to have good care. I think it does not necessarily have to be an RN providing the care—an RNA or a caring person can provide custodial care—but these people deserve more than just the minimal amount of care in the nursing home.

Mr Bradley: If I were to find, and I'll pull a figure out of mid-air, \$300,000 that could be well spent in the health care system rather than on a press secretary for the Minister of Health, if I could find that money and place it in Niagara, how would you suggest—I'll take away the other half because I don't want you to be embarrassed by the question, and say, how could you use \$300,000 in the Niagara region?

Ms McPherson: I guess I would like to see some of it go to enhancing the current facilities and increasing them. Three hundred thousand wouldn't go very far in today's world. The other thing is, I'd want to guarantee that it would continue to come the next year and wasn't just one-time funding, because one-time fundings provide lovely services for a year or two, and then those things disappear and it makes you unhappy that you no longer have what you had. So I wouldn't want to accept it unless it came with a guarantee that it was continual.

We have been granted the status of underserved for physicians. I understand that Port Colborne has provided

some incentives financially to get doctors, and they've got some, so some of the money could be used there. But I guess if I were truly selfish, I would say I would want to develop the program I developed to be a totally regional program where we had enough geriatricians and family physicians to look after the elderly.

Mr Bradley: Perhaps I could write a letter to the Minister of Health and suggest where he might apply \$300,000.

The Vice-Chair: Ms McPherson, thank you very much. That completes this portion of the process. We'll be considering your appointment later in the afternoon.

I think the Chair and I will be switching places.

RONALD ATKEY

Review of intended appointment, selected by official opposition party: Ronald Atkey, intended appointee as member, Ontario Mental Health Foundation.

The Chair: Our next intended appointee is Mr Ronald Atkey, intended appointee as member, Ontario Mental Health Foundation. Mr Atkey, would you come forward, please. You are aware, I believe, that you have an opportunity to make an initial statement, should you see fit, the time of which is deducted from the Progressive Conservative government members' ability to ask questions. I don't want to intimidate you by saying that, but I just wanted to inform you of that, and then there will be questions from the committee. Welcome, sir.

Mr Ronald Atkey: I have a very short statement. I'm honoured to appear before you as a prospective appointee, by way of order in council, to the Ontario Mental Health Foundation.

In a previous political life in Ottawa, I was always a strong supporter of the principle of transparency and parliamentary review of appointees to government agencies, boards and commissions. I'm pleased that the members of the Ontario Legislative Assembly seem to be well ahead of their counterparts in Ottawa, and I'm more than willing to expose my professional background and experience to your scrutiny in these proceedings today.

I have no pretensions about having any particular expertise in the field of mental health. My professional education, training and experience is in the law: as a professor of constitutional and administrative law at three Ontario law schools—Western, Osgoode Hall, and the University of Toronto; as counsel to the Ontario Law Reform Commission in the early 1970s; as a member of Parliament for the constituency of St Paul's for a period of two terms, during one of which I served as Minister of Employment and Immigration; and as a partner for 25 years in the national law firm of Osler, Hoskin and Harcourt LLP, serving clients on corporate and regulatory matters. I should add that during the period 1984 to 1989 I was the first chair of the Security Intelligence Review Committee, mandated as a watchdog over the fledgling Canadian Security Intelligence Service.

In recent years I have spent a lot of time serving my community as a director of the Canadian Film Centre, the

Toronto Symphony Orchestra, and the Council for Canadian Unity.

Why, then, you might ask, would my name be brought forward for an appointment to the Ontario Mental Health Foundation? This is not a position I sought. It was one suggested to me by an existing foundation member, since she thought that my skills as a lawyer and as a board member of not-for-profit organizations might be useful to the foundation when combined with my experience in government. It's my understanding that my proposed appointment came about as a result of Mr Wolfe Goodman, QC, completing his term as a member of the foundation. Mr Goodman is a distinguished legal practitioner, and I would hope to bring the same expertise, integrity and good judgment to bear on decisions of the foundation that he served for so many years.

In addition, I would hope that my experience as a fundraiser for not-for-profit causes such as the Canadian Film Centre and the Toronto Symphony might be useful to the foundation if and when it decides to expand its mandate to include fundraising from private sector sources.

While I have no particular expertise in the mental health sector, I have personally witnessed in the workplace, in community organizations, in university settings and with personal acquaintances the occurrence of schizophrenia, major depression, panic disorder, obsessive-compulsive behaviour, manic depression and eating disorders. I am acutely aware that 20% of our population—one in five—is likely to be diagnosed at some point during their lifetime with a mental illness, and I am painfully aware of the alarming increase in youth suicide and mental health problems. For these reasons, I'm honoured to be asked to join this foundation, a distinguished group of health care experts and citizen activists, to consider and approve research grants, training fellowships and sponsorship of publications, conferences and other public events.

Since my appointment was first proposed, I have taken the time to familiarize myself generally with the Newman report, which reviews the state of mental health reform in Ontario and proposes closing the gap between institutional and community-based care. As a member of the foundation, I would hope to bring my experience and judgment to bear in attempting to fulfill the goals articulated by the Newman report and the implementation strategy that the Ministry of Health announced in 1999 called Making it Happen.

Apart from my professional background, I have lived in a number of communities in this province and appreciate the diversity of needs, both rural and urban. I grew up in Petrolia, an agricultural town with a rich history related to oilfield developments. As a teenager, I moved to Sarnia. My last two years in secondary school were spent in Port Hope. Then I spent 10 years of my life in London at the University of Western Ontario both as a student and as a law professor. For the last 30 years I've been a resident of Toronto, although for a short period of time in the 1970s and 1980s while in government,

Ottawa was my home. Each of these communities has helped shape my background and my judgment.

My wife is a lawyer involved in the energy business and heavily involved in community, cultural and health care organizations in Toronto, including being past chair of a hospital board. I have three children, one at Queen's University in Kingston, a second at the University of Western Ontario in London, and a third who has moved temporarily to the United States to pursue her advertising career.

Finally, I would be remiss if I did not mention as a lawyer that I have read the Ontario Mental Health Foundation Act, and I'm fully aware of my obligations and responsibilities if my appointment is confirmed.

Please feel free to ask me any questions that might be helpful to your deliberations. Thank you, Mr Chairman.

1410

The Chair: Thank you very much. We begin questions with the government caucus.

Mr Mazzilli: Thank you very much, sir, for appearing. I also represent the community of London and am from London, but I never moved away to Toronto or any other place, so I certainly appreciate your filling us in on your travels around Ontario.

There's one thing I do want to ask. You mentioned the fact that we're moving, and we have been for a number of years, from institutional to community care in the area of mental health, and it certainly is appropriate, but the one thing that we seem to have difficulty with is the adjustments of the legal system. People, often through no fault of their own, whether they're off medication for short periods of time, have run-ins with the law and then are put through the judicial system. People in mental health will tell you that once people start deteriorating, it takes a long time to bring them back up. It seems to me that this is occurring, that there is a gap. Because as people out in society, we're all treated equally by the law, and ought to be.

But how do we—I won't say how do we; I would just ask that as a member of the foundation, when you're looking at some of the solutions, you keep that in mind on some of the research and so on, how we close the gap of not putting people back through a system and allowing them to deteriorate further, all to go back into the institutional care.

Mr Atkey: Thank you, Mr Mazzilli. I certainly will endeavour to keep that in mind. There are many instances where the law, as such, lags behind the need for social change, and it's only through the funding of research and through empirical experience in bringing that to bear and decisions that would be made in this building and in Ottawa that changes can occur. So I appreciate your observation and thank you for it.

Mr Mazzilli: That's my only question.

The Chair: Thank you.

Mr Wood: We'll waive the balance of our time.

The Chair: Then we'll go to the official opposition.

Mrs Dombrowsky: I want to first of all go to some remarks you made initially in your opening comments

with regard to the fact that you were approached to consider this role, you believe, because of your previous status as a member of the federal government for the Progressive Conservative Party?

Mr Atkey: No, that wasn't it at all. I'm not sure that that was a factor. The existing foundation board member knows me as a fellow board member of a not-for-profit organization which I have served, the Toronto Symphony Orchestra. I have spent a great deal of time and effort in the deliberations of that particular organization and was vice-chairman until recently. It was in the context of dealing with those issues, which are of course totally unrelated to either party politics or mental health, that she had suggested my name be brought forward. I have no idea of that member's politics. She certainly knows mine, and it's there for all to see.

Mrs Dombrowsky: Oh, I'm sorry, because I did think that that was part of your opening remarks.

That, then, notwithstanding—and you've indicated that you really don't have any background in the area of mental health—

Mr Atkey: That's correct.

Mrs Dombrowsky: —although you have had an opportunity to review the act and some of the more recent studies that have been undertaken in that particular area, I was wondering if you could share with this committee if you are aware of any crises or pending crises in the area of community mental health in Ontario.

Mr Atkey: I am generally aware of two factors. First of all, the increase in teen suicide is alarming in this jurisdiction; it's alarming throughout Canada. That is, I understand, directly related to mental health. So I bring that both as a personal experience and observation and having read the literature.

The second crisis, I would suggest, is the issue of homelessness, particularly the plight of homeless people in urban centres. While that's not purely a mental health issue—it's also an economic issue—I understand that there are severe repercussions related to the misuse of alcohol and drugs and the lack of a sustainable support system in the community, which leads to mental health deterioration. That's obviously a crisis in this community, in which I live, and is something that I would think the foundation, if I were to be appointed, would probably want to address at some point in its research-granting functions.

Mrs Dombrowsky: You indicated in your remarks that you'd had an opportunity to review Mr Newman's document, Making it Happen. So if you've had that opportunity, you would be aware that one of the strategies recommended was that the government would increase funding for community health providers, including such programs as supportive housing. Another recommendation was that the government would increase funding for supportive housing managed by local community agencies. Did you have an opportunity to investigate or explore if in fact those additional funds have come from the government?

Mr Atkey: No, I have not. It's my understanding that, in terms of government funding, that's something beyond

the purview of this foundation. It receives money from the government; it doesn't lobby the government for money. It has the capacity legally to raise monies from sources other than the government, but currently does not do so. The budget, insofar as I have seen, is significant. Whether it's enough, I don't know.

Mrs Dombrowsky: I certainly do appreciate that it would not be your role to provide any recommendations to the government around funding, but I'm trying to build a case here, I guess, as you would put it in your profession. I'm sure you would agree that appropriate funding for the initiative to move individuals with mental health illness from an institutional setting to a community setting would require those kinds of resources, not just for physical structures but also for the human resources that would be required to make those facilities viable.

It is part of your mandate to consider training. I guess what I think is important you understand are situations that have been revealed to me in my role as a local member. I'm sure you will hark back to those days when you were a local member and people walked through the door of your office; they share with you their great frustration when they do not have the resources to meet the mandate they have been given.

I would suggest that in community mental health there are many areas, particularly with regard to community health providers and supportive housing for people with mental health illnesses, where we are nearing a crisis situation. Individuals who have been trained to manage people with mental health illnesses are not being sufficiently or appropriately compensated. There is not significant recognition or encouragement for individuals even to enter this field. I'm sure you can appreciate that when compensation is not great, it's quite difficult to encourage people to consider a profession that can be very taxing on them, can be especially draining.

As a member of this foundation and as someone who has responsibility to consider training, would you have any ideas to encourage people, who are very badly needed in this profession, to consider it? I'm going to tell you about a home in my riding where the staff turnover in one year was 114%. So I'm sure you can appreciate why, for individuals who might be in that accommodation with mental health illnesses, that would be a less than supportive environment for them to be in.

While you don't directly impact recommendations around funding, I'm sure you can appreciate why, when a service as important as this one is underfunded, that has a ripple effect and it affects the ability of the profession to attract people, to look after people with mental illness. So what do you think you could do in your role as a member of the foundation to prepare people better, to attract people to this profession?

1420

Mr Atkey: Mrs Dombrowsky, you make a very compelling case, if I may say. It would be premature for me to give you a detailed prescription of what I might do, although let me say this: mental illness is always referred to in our family and in the communities in which I've

lived as the unseen illness; people don't look sick, and so there's a common acceptance of the fact, wrongly, that they're not sick. Having observed mental illness in a variety of forms in a variety of communities, I think to the extent that education can bring various types of mental disorders out into the open, in the broader sense—and that's also part of instruction, training, if you will—I can bring that particular perspective to bear and perhaps some political experience in how to do that without achieving results which are counterproductive to greater funding allocations, as you suggest. I appreciate the direction of your comments and the case that you make.

Mrs Dombrowsky: I make them because I'm very concerned about the people who live in my riding who I believe are not well-served by the system that is in place. I hope you can appreciate why, when I have this opportunity to inquire of someone who is intended to be appointed to a foundation that considers the state of mental health in the province, it's important for me to understand how you, in your role, might be able to assist these very good people, who through no fault of their own find themselves in a situation without the supports they need, to perhaps even be reintegrated eventually into our community.

Obviously, for the people who are in charge of looking after these programs there is great frustration there too, that the role of providing these services is not really valued. I think that's confirmed because they're not appropriately funded. I really need to understand, or at least sense from you, that you would be prepared to be an advocate for the people who provide these services.

Mr Atkey: I can give you that undertaking, Mrs Dombrowsky. I think the very fact that I'm here, willing to accept this appointment if confirmed, rather than going on the board of a hospital or perhaps in a more conventional health care role, speaks volumes as to my commitment and the importance of mental health generally in the province.

Mrs Dombrowsky: Would you be prepared to visit mental health facilities?

Mr Atkey: Yes, I have and I will.

Mrs Dombrowsky: Around the province?

Mr Atkey: Yes.

Mrs Dombrowsky: Very good.

The Chair: That concludes your time allocated for questions. We now go to the third party, and we welcome, by the way, Mr Kormos to the committee—

Mr Peter Kormos (Niagara Centre): It's a real pleasure, Chair.

The Chair: —as a visitor to the committee. We commence the questions with the third party. Mr Martin.

Mr Martin: Thanks for coming today. We've been listening intently to some of the conversation around the table and note your interest in the areas of teen suicide and homelessness.

Is there anything else in particular that you would want to accomplish or achieve in accepting this appointment?

Mr Atkey: I have no hobby horses or pet projects, Mr Martin, other than as a member of this foundation par-

icipating in the decision-making regarding the expenditure of government largesse. I would hope to exercise care and caution in the sense of having the taxpayers' dollars spent wisely to achieve the greatest possible benefit.

Mr Martin: Given the very huge challenge that's out there, as you've referenced in your answers to others' questions, where mental health is concerned and the lack of understanding, it would seem to me that you would also be wanting to make sure there was lots of largesse to spend in appropriate ways on behalf of people with mental illness. Would that be part of your—

Mr Atkey: I don't think it would be, to be honest with you, Mr Martin. I didn't foresee it, and as I read the legislation, it's the role of members of the foundation to lobby the government, or the government of Canada for that matter, to increase the largesse that would be made available. That's part of the political process which you're directly involved in with others around the table and in this building. As I see it, it is to take the existing largesse that is provided by government allocations and voted on in estimates and to make sure the money is spent wisely, keeping in mind the demands of the community as best the foundation members are able to determine.

Mr Martin: You see your role, then, more as being a watchdog for the government on expenditure as opposed to actually moving the agenda forward where mental health is concerned.

Mr Atkey: I would think it would be both. I am not a watchdog for the government; I'm a watchdog for the taxpayer, since they're getting value. The government sets, of course, the legislative agenda. The agenda of the foundation relates more to research and the funding of training grants and the like, as I read it. There are probably a great many more applicants for many more dollars than are available. So one of the jobs of the foundation, assisted by staff, is to determine how best to make those allocations, keeping in mind the competing demands within the mental health sector for support.

Mr Martin: Do you have a concern, then, that we're actually maybe spending too much money on mental health?

Mr Atkey: Not at all. I have no view on that, because I have not enough experience to come to that judgment one way or another. My presence here and willingness to accept this appointment is an indication that I think the field of mental health generally deserves some attention and some time that I'm willing to volunteer if I can improve the situation.

Mr Martin: It would be my view that this isn't largesse at all; this is a very needed and important investment in human potential as we try to come to terms with and understand and help people who want to help themselves and become contributing and positive members of our society. Right?

Mr Atkey: Maybe we could have a neutral term. I think what we're talking about is money.

Mr Martin: Yes, investment.

I'm not sure if Mr Kormos has a question or not, but just one last line. There are lots of issues out there where the mentally ill and the criminal justice system is concerned, and community attitude. Do you have anything particular that you bring to the table where that's concerned?

Mr Atkey: I should disclose to you, Mr Martin, and it's not in my opening remarks, that my reputation and my role as a lawyer in the community is for the protection of individual rights and as a civil libertarian. I continue to be a member of the board of directors of the Canadian Civil Liberties Association, and I will use all the powers at my disposal to see that the rights of individuals are protected against the system, no matter what political party is in power or who is the particular decision-maker. My reputation is along that line. To the extent that those are issues in the mental health field, I will continue to remain true to my principles.

Mr Martin: In that light, some of the incidents that we hear of from time to time where people with mental illness are misunderstood—we have a challenge of community attitude out there, and in fact folks either get hurt or in some instances shot or thrown in jail because they have a mental illness. Is there anything in particular that you think we should be researching, even falling back on some of your civil liberties experience, that we should be looking at as government to put in place to make sure that some of these folks don't fall through the cracks?

Mr Atkey: Again, it's probably premature for me to be advancing prescriptions today, but whether there's a role for an ombudsman to protect the mentally ill or whether that's the role that you as members of the Legislature can perform with the assistance of information from the foundation and its staff are the sorts of things that I would like to look at. The ability to talk to the media in frank terms about mental illness is something that I think the foundation and its staff might do within the legislative limits that are imposed on it, and to the extent that my colleagues on the foundation would think I could play a role personally, I would be prepared to.

The Chair: Any further questions from the members of the New Democratic Party?

That concludes our questions, then. Thank you, Mr Atkey, for your appearance before the committee. You may step down.

Mr Wood: I might indicate, Mr Chair, that I am advised that Mr Braney has asked that his interview be put over to another meeting. I support that request and ask unanimous consent that the time for consideration of Mr Braney's appointment be extended by 30 days.

The Chair: That request has been asked. Any objection to it? Then we will accept that.

Mr Wood: Thank you.

1430

The Chair: That concludes the interview process. We now deal with the actual voting on the intended appointees.

Mr Wood: I move concurrence re Ms McPherson.

The Chair: We have concurrence moved by Mr Wood for Wendy McPherson as a member of the Niagara District Health Council. Any discussion?

Mr Martin: I'd just like to say that I think she'll be a very good appointment.

The Chair: That's nice to hear you say. You see, Mr Martin says lots of positive things in this committee. Thank you for your positive comment.

Mr Kormos, do you have a comment?

Mr Kormos: Just teasing.

The Chair: I see. If there are no further comments, all in favour? Opposed? The motion is carried.

Mr Wood: I move concurrence re Mr Atkey.

The Chair: Mr Wood has moved concurrence in the appointment of Ronald Atkey as a member of the Ontario Mental Health Foundation. Any discussion?

Mr Kormos: If I may, I was unfortunate enough to only come into the committee during the latter part of the interview, when Mr Martin was posing questions. I've read Mr Atkey's CV, and I'm confident—he's obviously incredibly well qualified. I have no hesitation. That's apparent. It's obvious. But he's also incredibly Tory. That's obvious too, and not that there's anything wrong with patronage. There's absolutely nothing wrong with patronage. Indeed Mr Atkey is a refreshing variation on the usual theme, because here is a competent patronage appointment, as compared with the plethora of incompetent patronage appointments that have been routed through this committee that I have sat in on.

I want to congratulate Mr Atkey on his inevitable appointment and the approval of the committee. I want to assure him that I have no qualms about the patronage inherent in this. Quite frankly, in terms of his work responsibilities and the other things he's involved in, this is going to come as a net cost to him. I'm sure of that. He's not doing it for the bucks or the power or the prestige.

I was pleased to see he's on the board of directors of the Canadian Civil Liberties Association. He and I have perhaps more in common than I first anticipated. But it's also refreshing to see this rare instance of a competent Tory being appointed to a position of responsibility, as compared—let's face it, some of them you've heard barking all the way down the hall as they're led into this committee room to be subjected to interrogation by the committee.

Mr Atkey is competent. I'm pleased that my colleague has endorsed and made unanimous his appointment, and I wish that Mr Atkey would be held out as an example that perhaps we could see more competent Tories. If there is going to be patronage, let's appoint competent people. Perhaps the Conservative members of this committee would keep that in mind. They should use Mr Atkey as the standard, because if he had been used as a standard in the past there would have been precious few of those Tory nominees successful in the committee.

The Chair: I don't know whether you've helped his cause or not. Thank you very much for your ecumenical comments this afternoon. The committee is overwhelmed, I'm sure, by these kind remarks about Mr Atkey.

Any further discussion of the appointment of Mr Atkey?

Mrs Dombrowsky: As a point of clarification, Mr Kormos did make reference to a unanimous appointment, and I would suggest the vote hasn't been taken yet.

The Chair: Well, we'll watch and see.

Mr Kormos: Maybe I have provoked some dissent.

The Chair: Thank you very much for all the debate and discussion. I'll now call the vote. All in favour? It is indeed unanimous. The motion is carried.

Thank you very much, members of the committee. I'll indicate that if further order-in-council appointments are coming from cabinet we will be notified of them, and we will try to establish a meeting date that is acceptable to all members. Mr Wood has indicated one person who will be held over for at least 30 days.

I might say I've appreciated the co-operation of members of the committee. It's difficult at this time of year, with various committees going on and constituency business and so on, and members of the committee have been kind enough to extend deadlines when they have required extensions and to make themselves available for committee as they're able to do so. So I want to thank you very much.

Any further business or comments for the committee? I'll accept a motion for adjournment.

Mr Wood: So moved.

The Chair: Mr Wood has moved a motion of adjournment. All in favour? Opposed? The motion is carried. Thank you.

The committee adjourned at 1436.

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