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**Official Report  
of Debates  
(Hansard)**

**Wednesday 20 February 2002**

**Journal  
des débats  
(Hansard)**

**Mercredi 20 février 2002**

**Standing committee on  
government agencies**

Intended appointments

**Comité permanent des  
organismes gouvernementaux**

Nominations prévues

Chair: James J. Bradley  
Clerk: Donna Bryce

Président : James J. Bradley  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES  
ORGANISMES GOUVERNEMENTAUX

Wednesday 20 February 2002

Mercredi 20 février 2002

*The committee met at 1042 in room 228.*

## SUBCOMMITTEE REPORTS

**The Vice-Chair (Mr Michael Gravelle):** Good morning. I'd like to declare the standing committee on government agencies open for Wednesday, February 20. Welcome, everyone.

We begin with the report of the subcommittee on committee business dated Thursday, January 31, 2002.

**Mr Bob Wood (London West):** I move its adoption.

**The Vice-Chair:** Mr Wood moves adoption of the subcommittee report. Any discussion?

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** I don't know if this is the place to ask the question. I did want to know if you discussed the CCAC appointments.

**The Vice-Chair:** There will be a clarification coming later to address that.

**Mrs Dombrowsky:** OK. That's good.

**The Vice-Chair:** In terms of this, all those in favour of the committee report? Opposed? I guess that's approved.

Next, the report of the subcommittee on committee business dated Thursday, February 14, 2002.

**Mr Wood:** I move its adoption.

**The Vice-Chair:** Mr Wood moves adoption. Any discussion? All those in favour? Carried. Thank you very much.

## INTENDED APPOINTMENTS

## TERENCE CANT

Review of intended appointment, selected by official opposition party: Terence Cant, intended appointee as member, North Bay Police Services Board.

**The Vice-Chair:** We now move to the review of appointments section of our deliberations. Our first selection is Mr Terence Cant, intended appointee as member of the North Bay Police Services Board. Mr Cant, if you could come forward and sit where you're comfortable. Perhaps right in front of one of the microphones would be better.

Welcome to the government agencies committee. You have an opportunity to make an opening statement if you wish, and then we will be rotating among the parties for questions.

**Mr Terence Cant:** Thank you very much, Mr Chair and members of the standing committee. I'd like to thank you first of all for the opportunity to appear before you this morning and to speak with you. Hopefully the answers I give to questions you may have will assist you in determining whether I'd be an appropriate person to appoint to the North Bay Police Services Board.

I was born in Noranda, Quebec, completed my elementary and secondary school education there and, following graduation, I attended Michigan College of Mining and Technology in Houghton, Michigan, where I was taking mining engineering. When I left Michigan Tech, I went back to the Rouyn-Noranda area in Quebec and spent a year and a half working for two mining companies there.

I next attended North Bay Teachers' College. Following graduation, I spent the next 34 years in teaching and educational administration, working for different boards in the province. I worked in Mattawa, North Bay and Sturgeon Falls, and in Red Lake in northwestern Ontario. In addition to my teaching and administrative duties over those years, I also served as district president of the OSSTF. I served on the provincial scene as a provincial councillor and also served as a salary negotiator and principals' association representative.

My volunteer involvement in the community over the years has been extensive. I've served on the community care access centre in the North Bay area. I have been a regular volunteer on the North Bay Heritage Festival committee. I presently serve as an elder at Calvin Presbyterian Church in North Bay. I've been involved in fundraising and canvassing for the cancer society. I have been the educational consultant for the North Bay Centennials Junior A Hockey Club for the last seven years, since I retired from education. I've also coached football and midget hockey at different times.

As an educator and as a school administrator, as well as through my community involvement, I had a number of occasions to work closely with members of the Ontario Provincial Police and local municipal police forces. Those interactions revolved around matters we sometimes have to involve the police in on the educational scene: drug abuse situations, theft, student suicides, weapons situations, child neglect, child abuse situations and alleged improprieties involving staff and students.

I think I've learned a great deal from those opportunities and from the situations I've been involved with,

and that I have an understanding of what's required of a board member. I feel that I also appreciate the many challenges that citizens, police officers and police services board members are faced with as they work to ensure that communities are good, safe environments for all their citizens.

As a new member, I know I'm going to have to spend a lot of time learning what the duties and responsibilities of a police services board member are. I'm prepared to make the necessary commitment. I have the time to do so, and I'm looking forward to the challenge if I'm selected as the appointee. Thank you.

**The Chair (Mr James J. Bradley):** Thank you very much, sir. We begin our questioning with the official opposition.

**Mr Michael Gravelle (Thunder Bay-Superior North):** Good morning, Mr Cant. I appreciated your brief summary of your distinguished career and your involvement in your community and your region, but I did want to ask you directly, did you seek out this appointment with the police services board?

**Mr Cant:** I did consider it and was seriously interested in it at the time I was looking at retirement. It was one of those things—I had a lot of things after I retired; I was quite busy. I think what happened after that was, I had discussions with different people at different times over the last seven years. A number of people from different political parties—I have friends in different political parties—suggested to me, “Have you ever considered the possibility of looking at serving on the police services board?”

**Mr Gravelle:** Whom did you speak to most recently? In terms of the appointment, did you get a call from—obviously you're from North Bay, and I wonder whether the Premier's office contacted you directly.

**Mr Cant:** I didn't get a call directly; it was in conversations I had with people. I realized there was going to be a vacancy on the board. I had pretty well thought I was going to see if there was anything available. Initially I had indicated an interest, and then I learned that the chair of the board was going to be leaving. I spoke a bit with him about it and took it from there.

1050

**Mr Gravelle:** You indicate in your resumé, which has been given to us, that you've been very involved at both the federal and provincial levels in a number of election campaigns. You don't indicate which party, so we're curious about that.

**Mr Cant:** I've been involved with the Conservative Party in those elections. I have to tell you that a number of years ago I was also involved in an election campaign with the Liberal Party.

**Mr Gravelle:** Clearly you've done some research and some work in terms of preparing yourself for this possible appointment. Let me just ask you, if I may, what you consider the key goals and objectives in terms of police services in North Bay. I noticed, in terms of some of the material we've also received, that it's clear that the actual police force numbers proportionally, in terms of

the population, are lower than many other communities. Is that a concern in North Bay?

**Mr Cant:** I think it's a concern. I think there are a lot of concerns in North Bay. I believe that one of the biggest challenges the police services board and the chief are going to face is getting an adequate budget to be able to continue to provide the services they have been providing.

You might be aware that there have been some very serious financial challenges for the city. The rail lands relocation issue and getting the funding for that is a significant challenge for the city at this time, because there are some serious anticipated costs for cleanup of the rail land properties. That is going to put a drain on the city's finances. I think the loss of the Centennials, which has now become official—at the end of this year the Centennials leave and move elsewhere. We have an arena in that community that is still going to have to be maintained and money found for that. There's going to be that kind of demand for things.

From a police services board point of view and from the policing operations themselves, with the new technologies that are coming in, I think there's going to be a significant demand for money. It's going to be a tough balancing act.

**Mr Gravelle:** I know Mrs Dombrowsky wants to ask a question or two, but I just want to ask you one, if I may. I notice with interest your involvement with the community care access centres as well, although that's not specifically related to your appointment. Certainly one of the concerns we've had over the past six or eight months has been the fact that there's been a cutback in the support. I can tell you, being from Thunder Bay, the enormous impact this has had on people who have been seeking care and who have had care cut back. Is the same situation taking place in North Bay? Were you trying very hard to get the government to fund more support?

**Mr Cant:** When I was involved, we worked very hard to stay within budget. There were difficult decisions. A strictly personal opinion, based on my involvement with the CCAC, is the fact that whenever you get into anything new, like the community care access centres, there are some real surprises and some real challenges.

I really believe there was insufficient advance preparation for the impact of long-term-care needs by previous governments. I don't think there was adequate preparation and realization that we were dealing with a very much older and aging population that was going to demand a tremendous amount of health services. I think the community care access centres and the approach they took with delivering more services to people in their homes in the community was the right one, but I think we've got tremendous challenges ahead of us yet.

**Mrs Dombrowsky:** I have a couple of questions. First of all, I think you received the same background that we have as members of the committee. You are therefore aware that, under the act, one of your responsibilities is to provide assistance to victims of crime and that in accordance with the following principles the importance

of respect for victims of crime and understanding their needs also is part of your responsibility as a member of a police services board. Would you have any priority with respect to that particular part of your responsibility as a member of the police commission?

**Mr Cant:** Would I have any priorities for—

**Mrs Dombrowsky:** Yes.

**Mr Cant:** Quite honestly, there is an expectation that under the new adequacy legislation that you've taken—people expect the same kind of things when they're dealing with the police in any area of the province. I think a considerable amount of time has been devoted to developing the appropriate policies to make that a reality across the province. I think it has necessitated a lot of re-education and familiarizing members of the police force with what exactly is required.

**Mrs Dombrowsky:** I don't think I've been very clear in what I'm hoping you might be able to share with me. Given the fact, for example, that in North Bay there has been a significant increase in the incidence of family violence, would it be a priority for you as a member of the board to make sure there are appropriate supports, if not already in place certainly implemented, to assist those victims who probably for the most part are women and children?

**Mr Cant:** There is a very strong women's transition centre operating in North Bay. They are getting a significant amount of funding for that. I know that through our church we do support that, and I support it personally. There is that sort of thing. There is a centre for people and children who run into difficulties. There is the crisis centre. It's a very active operation. There are other facilities that are there. Yes, it is a concern for me and it is a priority for me.

**Mrs Dombrowsky:** I'm glad to hear that. That's very good. Thank you.

Also in the background we were given the numbers: of the total of 140 staff in North Bay, 90 were sworn officers. I just did the math. About 64% of the staff of the police service in North Bay are sworn officers. Given the fact that it has one of the lowest ratios per population, is that acceptable to you? Do you think that's an appropriate figure, that 64% of the total staff of the police force would be sworn officers, and that would leave 36% administration and support? I think of a school board; that's my experience. I know what the government expects in terms of ratios for school boards and what's an acceptable amount spent on administration. I have to tell you that this wouldn't cut it.

**Mr Cant:** Are you assuming that the smaller percentage is the number of people who are involved in administration?

**Mrs Dombrowsky:** There's another police services board—

**Mr Cant:** I don't have those figures in front of me.

**Mrs Dombrowsky:** Oh, I'm sorry. It was in the background. I just did the math. It says that of the 140, 90 are sworn officers. When I look at another police services board we're doing an appointment for later on, 75% of

the total staff are sworn officers. Is that an issue for you? As a member of the board, would you look to increase the number of sworn officers or certainly the number of officers per population?

**Mr Cant:** I would think, based on a study done by Dr Greg Brown through Nipissing—it was a study where they actually were in there and sat with police officers and observed them. They were very detailed in the study. I don't know whether it's been published or released. But there is a concern that there is very little available time-wise in any police officer's day. It is a concern, and I think it's a situation that as a member of the board, hopefully in discussions with the chief—and I think he would have the same feeling—it would be nice if they could increase those numbers. But I'm not sure it's going to happen because of the economics of the area.

**The Chair:** Mr Martin.

**Mr Tony Martin (Sault Ste Marie):** I was wondering, were you involved in the Premier's last election campaign?

**Mr Cant:** I was involved, yes.

**Mr Martin:** Are you on his riding association executive?

**Mr Cant:** No, I am not.

**Mr Martin:** Did you go to teacher's college with him?

**Mr Cant:** No, I didn't.

**Mr Martin:** Did you teach at the same time he was teaching?

**Mr Cant:** He was a teacher, but I was not teaching in North Bay at that time.

**Mr Martin:** Did you have any involvement at all with the Osprey Links development?

**1100**

**Mr Cant:** No, none at all. I am not a golfer, either. I'm not in any way connected with it or involved with it.

**Mr Martin:** The police services board in North Bay, as you have indicated, has some particularly challenging financial concerns in front of it. I note here, by way of the background information that Ms Dombrowsky referred to, that the city council hasn't passed the police budget because what they're asking for is more than they got last year, and that's, according to this, a reduction of 7.8% of the actual budget that they spent. You've indicated the difficulties that community is having, and is going to have now with the Centennials not being around and the cost to maintain that arena.

Do you have any suggestions as to things that they might do in order to deal with this budgetary crunch?

**Mr Cant:** I would think they would have to take a very close look at what kind of services they are actually delivering. I think that study has been done. I think there has to be a close look at some of the things. I'll give you an example: Crime Stoppers. The one thing that struck me about the Crime Stoppers program—and the North Bay police force provides an officer for that; the Ontario Provincial Police provide an officer for that. I could estimate probably \$75,000 to \$80,000 for each of those individuals, so there's \$160,000. Then when I turn

around and look at it and the fact that their stolen goods recovery a year ago with those kinds of costs was \$80,000, I would think that's something you might have to look at from a budgetary standpoint.

I would think they should probably look at video remand. I know they've got the equipment there for video remand, but I think that would provide some efficiencies. For example, in transporting young offenders to Cecil Facer, bringing them back for trial and then back to Cecil Facer, that requires police officer time. We have the technologies that would enable us to do it but it's not up and running yet. The equipment is there. My understanding, based on what I've read, is that the police force is ready to move with that but I think there is a bit of a delay in providing the necessary judges and that sort of thing. Those are things where I think there are savings possible.

**Mr Martin:** You've obviously given it some significant thought. The reality is, according to this note, they have found a way to reduce their budget from last year by 7.8%, which is probably fairly significant, and yet they're still projecting a shortfall of \$0.2 million from the approved budget of last year. That's pretty significant money.

If, at the end of the day, it turns out that they just cannot find the savings and they have to run a deficit again, what would you do then?

**Mr Cant:** My understanding is that they have turned around and requested an increase in their budget, based on what I've read in the papers. They're looking for an increase in their budget for this year. Now, your information is saying one thing, mine is saying another. My understanding is that they have been talking to council. There were council meetings all last week looking at budgets. I think it has probably been sent back by city council to the board to look and see if in fact they could trim anywhere. There is nothing that I'm aware of—because I haven't been involved directly with the board so I don't know whether anything is happening in that regard, but my understanding was they were looking for additional money to turn around and provide the necessary services.

**Mr Martin:** Just to explain, the police services board did in fact approve an increase from last year, but that increase is still a 7.8% reduction from their own budget from the previous year. It's a problem, obviously.

What are some of the other issues that you think are important? You mentioned some to Ms Dombrowsky but, going in, obviously you're concerned about the financial state and doing something to deal with that and take care of that. Are there any other issues that jump out at you and—

**Mr Cant:** That jump out at me?

**Mr Martin:** Yes.

**Mr Cant:** I think there's a bit of a challenge. When you look at the fact that provincial police constables in the area are being paid significantly more than the members of the North Bay police force for the same duties, that's a concern.

Another concern that I believe exists is the time that it takes with a lot of new police coming in. In other words, cadets; they're brand new into it. There is the need for training at Aylmer and that sort of thing. It's very difficult to get very many people from a particular police force into Aylmer to get that necessary training because there is such a demand from other police forces for the same kind of opportunities. I think it's time that the north looked at being able to provide some of those services for cadets. I look at Sault Ste Marie as an example. I know there has been some discussion between the police force in the Soo and Algoma College—

**Mr Martin:** Sault College.

**Mr Cant:** Sault College, sorry, to do something like that. I think with Canadore or Nipissing with the police foundations program and that sort of thing there is an opportunity to do some of that training in the community; you know, setting up the programs and doing it. Those are some of the things that I would be looking at.

**Mr Martin:** So in terms of the first issue that you raised where the North Bay police officers are making less than the OPP, are you suggesting that that be raised?

**Mr Cant:** I think if you're going to turn around and reduce the possibility that officers are going to leave their jobs on the North Bay police force to go to the Ontario Provincial Police force, money is a consideration for people who make those kinds of moves. It is a concern, but I'm not sure that it's something that is going to be easily addressed.

**Mr Martin:** It's not going to be easily addressed if, as we've discussed a few minutes ago, the financial situation is as it is. You're obviously looking for ways to reduce that, and on the other hand, if you're going to move on that front it means that anyone could—and it seems to me, as I read this, that the city of North Bay is actually carrying the can on the cost of policing for its community almost totally except for a few specific and special programs, initiatives of the provincial government. If at the end of the day it turns out that North Bay just can't afford the policing service, would you be willing to go to your friends in government at the provincial level to see if there wasn't some way to get some money?

**Mr Cant:** As a board member I might think that's an appropriate approach, but I think the important thing is that it has to be something the board decides on as well. There should be strong representation to the city first with regard to funding. That would be my feeling. Very often cities will turn around and make some of the financial decisions. They have to look at what's important in a city. Certainly safe communities are important and I think there is money that can be taken and additional money that can be provided.

**The Chair:** Thank you, Mr Martin. Unfortunately for you, your time has expired. I wanted to welcome to our committee today students from Matthews Hall who are here to observe the government agencies committee. I should tell the students that at this time we are reviewing intended appointments by the government of Ontario and

each of the political parties has an opportunity to ask the person who is going to be appointed or is an intended appointee some questions. So that's what you're observing now in the government agencies committee. Welcome to the committee.

Having said that, I'll move to the government side, where Mr Johnson would like to begin questioning.

1110

**Mr Bert Johnson (Perth-Middlesex):** They'll also note that the Chairman's time is probably taken off mine.

I had two issues that I wanted to explore, and one was, you went to North Bay Teachers' College. I didn't get the year, but I assume that was about 1955 or 1960.

**Mr Cant:** No, 1960.

**Mr Johnson:** Did they still pay teachers to go to North Bay Teachers' College at that time?

**Mr Cant:** No—at least I didn't. I've never heard that they did. The one thing they did provide was that you could turn around and ride the Northlander north; you could get 19 tickets for \$20 and you could go home on the weekends if you wanted to, if you lived in Timmins or Kirkland Lake or one of the other communities.

**Mr Johnson:** That was a good deal.

**Mr Cant:** It certainly was.

**Mr Johnson:** The reason I'm asking is that my mother went there in about 1920, in that era. They used to pay \$1 a day if you went to North Bay Teachers' College, and in return you had to promise to teach in the north, I believe, for at least 2 years. The only reason I know that is because I asked her why she went north from the Collingwood area to teachers' college. So I wanted to explore that a little bit.

I also wanted to know about when you were in Red Lake. Were you in elementary or secondary?

**Mr Cant:** I was on secondment from the North Bay board of education to the Red Lake board because they were having difficulty getting a principal.

**Mr Johnson:** Was that in the 1980s?

**Mr Cant:** Yes.

**Mr Johnson:** There were severe difficulties in Red Lake at that time.

**Mr Cant:** Yes, there were.

**Mr Johnson:** Thanks very much. I just wanted to thank you for being here today to answer our questions and show your interest in serving in this position.

The other area I wanted to explore, and I guess it's to the researcher: I've never heard the term "sworn officer" before, so I assume there are sworn officers and unsworn officers. It seems to me that it's logical that you either are or you're not.

The term I've always heard in connection with police services was "uniformed." Can I assume that a sworn officer is the same that I used to think of as a uniformed officer?

**Mr David Pond:** Yes.

**Mr Johnson:** OK, because that gets back to Member Dombrowsky's question on whether or not, because it's different in North Bay than in Belleville or something, that is good, bad or indifferent. I wanted to clear that

point up. Thanks very much, Mr Cant, for being here today.

**Mr Cant:** Thank you for my time here.

**The Chair:** Any other questions?

**Mr Frank Mazzilli (London-Fanshawe):** I just have a couple questions. Thank you for standing for this position. How large a police service is North Bay?

**Mr Cant:** They have about 90 uniformed officers and they have secretarial support staff.

**Mr Mazzilli:** The civilian staff for support.

**Mr Cant:** Yes, civilian staff.

**Mr Mazzilli:** Do you see some of the standards as being a problem for a city the size of North Bay, some of the new standards that have to be met, the regulations and so on?

**Mr Cant:** The regulations and that sort of thing. I don't think they're a problem, but as I think I mentioned earlier, it takes time to get everybody up to speed and it is challenging.

**Mr Mazzilli:** It certainly is. The larger departments are finding challenges, and the smaller ones even more so because of the training requirements. That probably will be an enormous challenge for a smaller department, not as large as North Bay. North Bay is probably of the size that can handle those standards quite well, and I wish you luck with it.

**The Chair:** Further questions?

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

**The Chair:** A point of clarification, Ms Dombrowsky.

**Mrs Dombrowsky:** Mr Johnson did bring it up. I would like some clarification on the term "sworn officer." I have some question around whether a sworn officer equals a uniformed officer. I would suggest that an undercover officer would also be a sworn officer and not a uniformed officer, so the total complement of officers in a detachment would be the sworn officers.

**Mr Johnson:** Can you tell me, then, is a turnkey officer sworn or unsworn? Most of the time they're not uniformed.

**The Chair:** Does Mr Mazzilli have something to add to this?

**Mr Mazzilli:** A sworn officer would be anyone who's covered under the Police Services Act. Civilian staff would not be sworn officers. They are covered under some of the regulations, but anyone who has the power to execute the duties of a police officer under the act is a sworn officer.

**Mrs Dombrowsky:** May not be uniformed, but is sworn. Thank you.

**Mr Mazzilli:** May not be uniformed.

**The Chair:** Well, we've had a good educational exercise amongst members of the committee. Mr Mazzilli, we thank you for your kind contribution as well and for clarification on these matters. I don't know where you get that information, but thank you very much for that.

Thank you very much, sir, for being with us. You may step down.

**CHRISTOPHER BRANEY**

Review of intended appointment, selected by official opposition party: Christopher Braney, intended appointee as member and vice-chair, Environmental Review Tribunal.

**The Chair:** The next intended appointee is Christopher Braney, who is an intended appointee as member and vice-chair of the Environmental Review Tribunal.

I will be vacating the Chair now and putting on a different hat, that of the person who would ask some questions. In doing so I turn it over to Mr Gravelle.

**The Vice-Chair:** Thank you, Mr Chair. We will carry on by calling forward Mr Christopher Braney. Welcome. Mr Braney is of course intended appointee as member and vice-chair of the Environmental Review Tribunal. Mr Braney, certainly feel free to make an opening statement, and we will then begin our questioning with the third party.

**Mr Christopher Braney:** Thank you, Mr Chairman and members of the committee, for inviting me here today. I'm honoured and privileged to be considered for the Environmental Review Tribunal. I'm pleased to have an opportunity to tell you why I think I can make an important contribution to this position.

I was raised in Toronto in a neighbourhood called Highland Creek, which lies in between the Rouge and Highland Creek valley. For the last three years I've resided with my family in Pickering, on the east bank of the Rouge River. In the last decade I've had very interesting and varied experiences, not only in my professional life but also in terms of community involvement. One of my proudest accomplishments was being elected to the Scarborough Board of Education in 1994 and one week later being nominated as vice-chairman by my new colleagues. This was a position I held unanimously for the next three years, until my term ended in 1997.

It was at the board of education that I began conducting hearings involving the board's zero tolerance policy toward weapons and violence. This was a policy that I had a very active role in implementing and supporting and it is also a policy that the government has since recognized and implemented across the province. In my role as vice-chairman it was my responsibility to conduct all private session meetings and hearings when it related to the conduct and discipline of board employees and contract negotiations.

At the same time, I developed a successful business selling and marketing health and safety products, which made it necessary to have a working knowledge of a wide variety of environmental cleanup issues, particularly in the area of the safe use of chemicals, storage and disposal. This experience was extremely valuable and useful when I was appointed to my current position as an adjudicator with the Ontario Rental Housing Tribunal.

During my career with the Ontario Rental Housing Tribunal, I believe I've made many valuable and successful contributions, not only to the tribunal but to the public

we serve. In a very short period of time I have been told that I was one of the tribunal's most balanced adjudicators when it came to fair and accurate decision-making and the reliable work ethic that I have brought to this position. Over a two-and-a-half-year period I've received many letters from my chairman congratulating me for doing an outstanding job with the tribunal and for my role with committee work and effective teambuilding, in order to make the tribunal one of the most respected in the province. I have also been told that I have one of the highest success rates when it comes to my abilities in orchestrating consent orders and settlements. This has enabled many parties on both sides who have appeared before me to leave knowing that their matter has been settled and that they have both had an opportunity to receive the outcomes that they have relied on the tribunal to resolve.

With regard to the community, it has always been an area I have participated in actively. In my early twenties, I was actively involved in a community response to an environmental hazard regarding an asbestos cleanup that was to take place within the community. Because of my passion and knowledge with respect to this issue, I was elected vice-resident of my community association. The hazard in question was the abandoned Johns-Manville plant that used asbestos for making transite water pipes and other asbestos products. Because of the large area the plant occupied backing on to Lake Ontario, a developer purchased the land in order to build a residential development. For those of you who are not familiar with Johns-Manville, it became one of the largest occupational health and environmental safety disasters in North American history, quite simply because the effects of asbestos were not known at the time the plant began production soon after the war.

**1120**

From the 1940s to the end of its existence in the late 1980s, a total of 93 workers died due to exposure to asbestos. The problem we had facing the community was the waste and the asbestos used in the manufacturing process buried throughout the property. Furthermore, it was revealed that the plant itself was made of asbestos product. If anyone is familiar with the procedures in conducting a site 3 asbestos cleanup, you soon realize that the cleanup is a delicate and extensive process.

Questions and concerns soon arose regarding a safe cleanup, and we realized that the community should be informed to the dangers if it was not done properly. Furthermore, I felt that we had an obligation to inform prospective new members of the community who would be purchasing homes on this property. I'm pleased to say that through hard work and dedication with a number of individuals in the community, we succeeded in our efforts by negotiating with the developers, city and other stakeholders to ensure that the plant removal and the cleanup of the property was safely conducted. A victory was also accomplished with the developers disclosing to new purchasers on the purchase agreement the history of the property. At the end of the day many victories were

won by the community, simply through well-planned negotiations with all the stakeholders.

The plant has now been safely taken down and surrounded by a nice community that has peace of mind because of the efforts of our community association. I would also note that the community was also successful in reducing the number of houses built on the site, from 3,200 to 1,600, as well as dramatically increasing the amount of parkland on site.

Through my work with the Johns-Manville development, I soon became involved with projects dealing with the Rouge River and Highland Creek regarding the creation and enforcement of ravine bylaws to prevent erosion and pollution in the rivers and creeks. I was also involved with a project at the mouth of the Rouge River, restoring natural plant, fish and wildlife habitat, along with our community section of the waterfront trail. I'm very proud of the environmental campaigns that I've participated in within my community, because many of these places were my playground growing up. It is my hope that my two daughters, Madeline and Erin, have the same access to the same advantages that I had.

Recently I attended a dinner celebrating the province's projection of the Oak Ridges moraine, where Robert Kennedy Jr was keynote environmental speaker. I was pleased with the government's protection of the moraine, because of the positive impact that it will have on the future of this province. It is my belief that the protection and legislation regarding the moraine is probably one of the toughest with regards to the restrictions imposed. I hope that as a member of the Environmental Review Tribunal I will be in a position, in some small way, to see similar environmental protection applied elsewhere in Ontario.

Other community organizations which I'm involved with include currently serving on a volunteer board of directors as president of West Hill Community Services, which is a multi-service agency providing services in the areas of health and social services. Programs include primary health care, community support, social support for seniors and an adult-child resource centre. I was also a director and organizer for the Variety Club telethon, raising much-needed funds for Variety Village and the children who use their facilities.

I believe that my experience as an adjudicator with the Ontario Rental Housing Tribunal, along with my experience dealing with environmental issues at the local level, will enable me to deal with the exciting and important challenges brought before me at the Environmental Review Tribunal. I believe that I will bring this tribunal a wealth of knowledge, primarily with my understanding of the delicacy of environmental issues, and my experience with understanding and balancing both sides of these issues. I also believe that one of my strongest attributes is good, consistent decision-making and the abilities to enable people to work together as a team in order to achieve the goals necessary to succeed. Furthermore, I look forward to the challenges and responsibilities of this position because of my passion and love

for this province, and because I want my two young daughters to experience the environmental pleasures this province has offered me.

This position will also enable me to have an impact on environmental concerns and issues throughout the province and not just locally.

Once again, thank you very much for this opportunity.

**The Vice-Chair:** Thank you very much, Mr Braney. We begin with the third party.

**Mr Martin:** You were a trustee with the Scarborough Board of Education from 1994 to 1997.

**Mr Braney:** Correct.

**Mr Martin:** What happened in 1997?

**Mr Braney:** I couldn't run again. I wanted to run another term but the province brought out the legislation. My wife's a schoolteacher in York region. Even though I didn't have a conflict within the Scarborough Board of Education voting on her salary, it was province-wide. She could have been a teacher in Thunder Bay and I still would have had a conflict, so I wasn't able to run again for a second term.

**Mr Martin:** And then you were director of marketing at Denton Technologies from 1998 to 1999?

**Mr Braney:** Correct.

**Mr Martin:** Why did you leave that position?

**Mr Braney:** I was offered the position with the Ontario Rental Housing Tribunal. I certainly missed the hearings that I conducted with the Scarborough Board of Education. When I was approached with the opportunity at the Ontario Rental Housing Tribunal, I went for the interview and was extremely interested. The fact that it was a new tribunal, and I was very impressed with what the chairman had to say about the goals of the tribunal and some of the things that we would be conducting within that, I felt I had an awful lot to offer to that and with the hearing experience I had at the Scarborough Board of Education, I took the opportunity to get back in and conduct hearings with the Ontario Rental Housing Tribunal.

**Mr Martin:** The appointment with the Ontario Rental Housing Tribunal, was that a paid position?

**Mr Braney:** Yes, it is. I'm currently there with the Ontario Rental Housing Tribunal.

**Mr Martin:** If you get the appointment today to the Environmental Review Tribunal, would you leave the rental housing tribunal and move over to this new position?

**Mr Braney:** Correct.

**Mr Martin:** The new tribunal is also a paid position?

**Mr Braney:** Correct.

**Mr Martin:** You referred to it in your opening comments as a career. Is serving on these kinds of government tribunals a career track that you're now on?

**Mr Braney:** I feel my career track for the most recent part of my history, probably within the last 10 years, has been conducting hearings. I was involved with a number of them at Scarborough Board of Education. I had a little hiatus with Denton Technologies for two years, but then I came back to the Ontario Rental Housing Tribunal and

certainly I'll be conducting hearings with the Environmental Review Tribunal. I would say it has been a career and a career that I've very much enjoyed within the last 10 years too.

**Mr Martin:** Why are you leaving the Ontario Rental Housing Tribunal?

**Mr Braney:** The opportunity that just came forward was—I just feel with the projects that I've dealt with in the past, I certainly have a strong interest in environmental issues throughout the province. I felt at the time that I had an awful lot that I could offer this tribunal. I've offered an awful lot to the tribunal that I'm currently on, but given the fact of my history and the projects I've dealt with environmentally, I feel that even though I did an excellent job with the tribunal that I'm on now, I have so much more to offer the one that I would be going to, the Environmental Review Tribunal.

**Mr Martin:** Are you a member of any political party?

**Mr Braney:** Yes, I am.

**Mr Martin:** Which party would that be?

**Mr Braney:** The PC Party of Ontario.

**Mr Martin:** Have you been active in any campaigns?

**Mr Braney:** In the past I have, yes.

**Mr Martin:** In 1999?

**Mr Braney:** In 1999 I was involved, yes.

**Mr Martin:** OK, those are all my questions.

**The Vice-Chair:** Thank you. We'll move to the government side. We have one minute left. Mr Gilchrist, I know you have a question.

**Mr Steve Gilchrist (Scarborough East):** Mr Martin has taken the McCarthy question, so I can't tweak Mr Bradley on that one, "Are you now or have you ever been a member of the Conservative Party?" so let me deal with something more substantive.

I think for the benefit of the members of the committee, it would be useful to expand on exactly what took place at the Manson site. In the early 1980s a federal royal commission deemed that to be a world-class disaster. I wonder if you could just elaborate a little bit on the role you played and the community association played in first researching and then dealing with the consequences of the abandonment of the site by not one, but I think it was three different owners over the years.

**Mr Braney:** I've raised portions of it to try and make it brief for my opening introduction, but going back, probably from the beginning, when I got involved with it, it was more or less a personal issue. My father's first cousin was a worker at the plant and he died of asbestosis. During high school I became aware of some of the things that were happening in the plant because directly across from the high school was where the plant sat.

I then became involved fairly early on working for a company called Safety Supply Canada and one of my positions there was the product manager of the industrial products group. Most of the product I was supplying and offering technical support to companies and government agencies and towns and cities was advice on how to conduct asbestos cleanups, also chemical spills, hazard-

ous cleanups throughout the province as far as offering technical support with the equipment they would need, how to go about that. Due to that experience and due to the passion I'd developed early on with environmental issues, I was approached by members of the community association who felt that I might be able to help out with their quest. It started out more or less informing them of some of the dangers of an asbestos cleanup, and certainly a site 3 asbestos cleanup is very extensive. One of things in one of the hearings we brought forward was that you have to wear full white tieback coveralls, boots, gloves, proper respiratory equipment, and every time a worker would leave the site he would have to don new equipment coming back to it.

**1130**

One of the things we then started discussing was that we have a plant here, we have a developer that's going to buy property around it, and we have a high school and an existing community. One of the problems we started to see very quickly was, how can you properly do a site 3 asbestos cleanup safely when you have a surrounding community that could perhaps become prone to asbestosis fragments throughout the atmosphere in the air? It's certainly a very difficult process and it's something that raised a great deal of concern with a lot of members of the community. As we started talking more about it, sure enough, our concerns were very valid, that in fact it is a very extensive process, and there was an awful lot of discussion and negotiation about how to actually go about developing that property.

One of the things I also came up with at the time was, we now have a new development that's going in around the community. There are new members of the community who are also going to be brought forward. One of the concerns I had was, there are going to be new members. I think these people should have a right to know, and also know that it's going to be dealt with safely, because the developer would not have any right to tell them what the property they would be buying used to be.

The problem with asbestosis, Mr Gilchrist, is the fact that it takes about 30 or 40 years before somebody would actually develop asbestosis. It's very delicate. And that's what happened in this case. At the time when the plant was manufacturing asbestos transite pipe and the other products they were developing, it took 30 or 40 years after the fact before the workers found out they had asbestosis.

One of the case studies that really intrigued me, talking to a number of workers who were still at the plant and still living, was the case of a lady who was in the plant. She worked one summer. She wasn't even exposed to the plant itself, the manufacturing part of it. She actually worked in the cafeteria for one summer and she developed asbestosis 35, 40 years down the road. That certainly scared a number of people in the community. So I was pretty well offering my advice on that.

It was an interesting project. It certainly became a very high-profile issue within Metro and I believe throughout

the province, just due to the victories of a small community association and a lot of people who really put their heads together to try and inform people. I think the one positive thing that I left the table with at the end of the day was that we didn't have a lot of money but we sat down with the developers, the city, other stakeholders, and we got this thing done through pretty well pure negotiations, without costing a lot of money. The plant has been torn down now and it was done very properly and we're very proud of that. I think—

**The Vice-Chair:** Mr Braney, I apologize for interrupting but we've gone well beyond the time. Thank you very much. It was very interesting. We move to the opposition.

**Mrs Dombrowsky:** I have three very quick questions before my colleague, Mr Bradley. Thank you for coming, Mr Braney. First of all, would you be able to tell us who you worked for in the 1999 campaign?

**Mr Braney:** There would have been two Scarborough MPPs that I worked for.

**Mrs Dombrowsky:** Their names, please?

**Mr Braney:** Mr Gilchrist and Ms Mushinski.

**Mrs Dombrowsky:** My second question is with regard to your background. You are intended to be appointed to the Environmental Review Tribunal. Typically it's a quasi-judicial role, so people who would be considered for this role would certainly have perhaps a background in environmental studies or in the law. I was wondering if you could share with us any of those experiences that you have.

**Mr Braney:** I can understand your question. I don't have a background in environmental science but I do have a technical knowledge of environmental cleanup issues.

**Mrs Dombrowsky:** Did you take any college courses in environmental studies?

**Mr Braney:** No, not at all. There were courses that I did take through my employer that were very extensive. We had to learn a number of issues, because they are very sensitive issues. You really have to know your stuff. And it's just not asbestos situations; there were chemical situations, situations where pesticides would be used.

**Mrs Dombrowsky:** Do you have a degree?

**Mr Braney:** No, not in environmental science.

**Mrs Dombrowsky:** A diploma?

**Mr Braney:** In marketing, at Centennial College, yes.

**Mrs Dombrowsky:** You have a diploma in marketing?

**Mr Braney:** Yes, in marketing.

**Mrs Dombrowsky:** If I might move on, I understand that you would have received the same background that we, the members of the committee, would have received about your intended appointment.

**Mr Braney:** Correct.

**Mrs Dombrowsky:** Information about the role you will have on the Environmental Review Tribunal. In this background material there is a section devoted to the statements of environmental values that ministries within the government have. What is your understanding of the

function of those statements or do you think they are just window dressing?

**Mr Braney:** It would be very difficult to comment just due to the fact that I haven't been at that ministry and it would be unfair and inappropriate, I think, to comment about anything that I really haven't had an opportunity to have a look at and develop my own interpretation of.

**Mrs Dombrowsky:** I have to say I'm significantly disappointed by that because the statement of environmental values within ministries that deal with the environment I think is very important. It was for that reason that I myself introduced legislation in my private member's bill that would require ministries to consider their statement of environmental values. It would actually make it part of the legislation.

**Mr Braney:** Right.

**Mrs Dombrowsky:** Right now, ministries that manage the environment have such statements and the statements direct the ministry whenever making decisions to take an ecosystem approach to every decision that is made. What people in Ontario are finding—and they're challenging in the courts—is that the ministries are not doing that. They are not following that statement. The response from the ministry, any ministry, has been, "Well, we don't have to because it's not the law."

Does that not strike you as strange? Is it not redundant? Is it not just window dressing if ministries have these statements and they say to the public, "This is what we believe and this is what we support," but when it comes right down to application, and the public challenges them on that, they say, "We really don't have to do that because it's not in law"? Do you have an opinion on that?

**Mr Braney:** I certainly understand your question a little bit better. Throughout my career I've believed in mission statements. I believe they should be a good guideline and should be followed. If there is a mission statement that has been established and is procedure right now, I certainly feel that mission statement should be followed.

**Mrs Dombrowsky:** Do you think they should be in the law?

**Mr Braney:** It would be difficult to say. As I say, I'm just speaking to you here. I'm not a politician, I'm not a legislator. As far as mission statements, I certainly feel that they should be followed if they are in fact part of the ministry, especially this tribunal.

**Mr Bradley:** My first question is again to clarify for me how it is you came to seek this position. Did someone suggest you seek it or did you look through a book and say, "I'd like to be in that position" and so you asked?

**Mr Braney:** No, I was approached, Mr Bradley.

**Mr Bradley:** Who approached you, specifically?

**Mr Braney:** Mr Gilchrist approached me. Minister Ecker is also very supportive of this appointment because she has also been familiar with some of the projects that I've dealt with in the past. Mr Gilchrist has an excellent knowledge of some of the things I've dealt with in the past, not only on this Manson Insulation project but also

with the projects I've been involved in with the Rouge River and surrounding areas.

**Mr Bradley:** The Environmental Assessment Act has been changed by this government. Both the Environmental Approvals Improvement Act, as it would deal with approvals, and the Environmental Assessment Act have been weakened by this government. What is your opinion of the weakening of those two pieces of legislation?

**Mr Braney:** It would be difficult for me to comment on that without being there, Mr Bradley, and absorbing maybe what the impacts would be, if there are any at all.

**Mr Bradley:** When you were on the Scarborough Board of Education, you seemed to be obsessed with the financial bottom line. It would be my contention, not shared, I'm sure, by my friends on the other side, that many of the problems that are arising in the Ministry of the Environment today and in the environmental field are as a result of a one third cut in the staff of the Ministry of the Environment and an approximately 50% cut in the budget. Speaking of the environment, do you believe the cuts that have been made to the Ministry of the Environment should be restored, that money should be restored and that staff should be restored?

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**Mr Braney:** As I've said, Mr Bradley—I sort of said this one other time—my position and key role with this tribunal would be to enforce government policy and legislation. As I say, I'm not a politician. I would certainly not make any comments regarding policy and legislation. My job would be to enforce, with the strictest environmental standards, government policy and legislation which has been put in my hands to enforce.

**Mr Bradley:** The only people who are politicians are not people who are elected to the Ontario Legislature. However, you have been a politician when you were elected to the board of education in Scarborough. When you participate in the campaign, you're in the political field, so this denial of being a politician, although some of us think it's a reasonably virtuous position, is interesting to note.

There is a new tactic that the government is using now: administrative penalties. It's a situation that allows those who are breaking the law to have a nice little quiet penalty applied to them by the Ministry of the Environment so they're not embarrassed when they go through the courts with the adverse publicity that takes place. What do you think of allowing people to dodge the court process and simply have administrative penalties applied to them by the Ontario government when they are in violation of Ontario laws?

**Mr Braney:** I certainly don't know enough information about that to make any comment on it. I would like to have a look at it myself and develop my own interpretation of it. People have different interpretations at times. As I said, in this position, it's just as with the business I'm in now currently with the Ontario Rental Housing Tribunal. My key issue would be to deal with

government policy and legislation and enforce it with the strictest of standards.

**Mr Bradley:** There are some detailed decisions that must be dealt with, some very complicated decisions, that would require either an adjudicative sense, a vast knowledge of the law or some considerable scientific knowledge to make those decisions. Since you do not have that field or the background of administrative law or environmental studies, do you not think that will not enable you to carry out your responsibilities as well as you might as a full-time vice-chair of this board?

**Mr Braney:** No, not at all. I believe that I do have a good background with environmental issues and certainly have seen both sides of those issues. Currently, with the business I'm in now, I didn't have any experience when I started that. One of the reasons that I became one of their top adjudicators, with my decision-making and some of the other things I mentioned in my opening statement, is because I'm a very quick study. I'm looking forward to the opportunity of actually getting into this tribunal. In a very short period of time, I'm hoping to be one of their better members, right off the start.

**Mr Bradley:** I have a concern that the government is appointing to environmental tribunals people who are either on what I would say is the development side or people who do not have a specific background in this particular field. We had another person appointed to an environmental tribunal the other day who I had heard was leaving another tribunal for a mysterious reason, but that's another matter.

What I'm concerned about now is that where we used to have the Environmental Assessment Board or an Environmental Appeal Board staffed with appointees who were knowledgeable in the field of the environment and who had a background in the field of the environment—they might have been from the Canadian Environmental Law Association or they may have been environmental lawyers or something of that nature—today we're moving to people who do not have a background in that field, and it worries me considerably that the decisions will reflect that. You have no fear about that?

**Mr Braney:** To answer the first part of your question, one thing I pride myself on is fairness. Certainly I don't take any one side of any issue. I give people an opportunity to present their cases.

As far as the other part of your question, I would just say that I certainly feel that I'm extremely qualified to be in this position just due to the past experience I have had with environmental issues. As you're probably aware too, Mr Bradley, there are not too many people who have environmental experience like the experience I've had. It's an area where they are few and far between.

**Mr Bradley:** I still have one minute. Another question. What other question can I put, then?

You are a person who is going to be dealing with the Niagara Escarpment Commission and appeals from the Niagara Escarpment Commission adjudicative process. There are many people in the Conservative caucus who

are not very happy with the Niagara Escarpment Commission and its powers.

**Interjection:** Name names.

**Mr Bradley:** I won't name names. My friend Bill Murdoch comes to mind—he'll want to use that in Hansard—and some others. Do you believe that there should be development taking place on the Niagara Escarpment?

**Mr Braney:** It would be very unfair to comment at this time without being a part of that ministry and reading a lot of the documentation that you're talking about and developing my own knowledge and understanding of it. It would be unfair for me to comment and give any personal view on that at this point in time.

**The Vice-Chair:** Thank you, Mr Braney. We will be voting on your appointment at the end of this morning's session.

Mr Bradley will now be returning to the chair.

#### EDWARD RUTTER

Review of intended appointment, selected by official opposition party: Edward Rutter, intended appointee as member, Belleville Police Services Board.

**The Chair:** Are there any other comments? I will call, then, the next individual, who is to be an intended appointee as a member of the Belleville Police Services Board, Edward Ted S. Rutter.

Mr Rutter, please come forward. As you are aware, you have an opportunity to make an initial statement and then the questioning takes place from the three parties. Welcome, sir, to the committee.

**Mr Edward Rutter:** Good morning, Mr Chair, and ladies and gentlemen. My initial statement will be very brief because I'm looking forward to the question period after hearing the other two.

My resumé points out that I have had the privilege to be a member of many boards and commissions. I have gained experience at many levels: locally, at the school board level; at the county and hospital levels; at the provincial level, at the Ontario Hospital Association; and federally I chaired the unemployment insurance board of referees for Belleville district for six years.

However, I've never had the privilege of sitting on a police services board or a commission. This must raise the question with you here this morning of "Why now?" I became aware of the vacancy on the board by the advertisement placed in the Belleville Intelligencer by the office of the Ministry of the Solicitor General. After discussing it with Mrs Rutter and discreet inquiry with some of my friends, I was encouraged to make application to be considered for the appointment, and thus my presence here this morning.

I'm not an expert re the Police Services Act as written, but I'm mindful of it. I'm approachable. I'm a good listener. I'm a compassionate person, but I can be firm when the need arises.

These skills and talents, combined with the training provided by the ministry, would encourage me to carry

out my duties and responsibilities in a manner that would inspire public confidence and pride not only in the police board but also in the police department in the city of Belleville. I believe I am worthy of your consideration to this appointment. Thank you very kindly.

**The Chair:** Thank you very much, sir. We begin our questioning with the government party.

**Mr Wood:** We'll waive our time.

**The Chair:** The government is going to waive its time for questions, so we go to the opposition party.

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**Mrs Dombrowsky:** Good morning, Mr Rutter, it's very nice to see you today. You've had the opportunity to review the material that we have as background about the role for which you are intended to be appointed. You will know, then, from your reading of that, that one of the responsibilities of members of police services boards is to determine policing priorities within your community. I was wondering if you had any thoughts on what you think would be appropriate priorities within the community of Belleville.

**Mr Rutter:** There are several things that have popped up under the jurisdiction of the police board in the city of Belleville. Without hiding behind doors, yes, we have a drug problem. Yes, we have an alcohol problem. Yes, we have a break-and-enter problem. Yes, we have some scam problems with senior citizens. Strangely enough, we're close enough to big metropolitan areas that we have some organized crime that likes to settle in Belleville. I believe that they would be some of the top priorities that we, along with the police commission, would have to take a serious look at.

**Mrs Dombrowsky:** Certainly, to establish that as a priority and to establish programs that would assist in the fighting of those crimes is important, but you would also remember from the material that another responsibility is to assist the victims of crime. Do you think there is some work that needs to be done to help people who are victims of crime, who fall victim to drug dealers, who fall victim to commercial scams?

**Mr Rutter:** Absolutely. They need help. The biggest problem that we face in society, not only in Belleville but across this great province of ours, is trying to find those centres to deliver those services. That has become a problem.

**Mrs Dombrowsky:** So you would be willing to be an advocate for more resources for services for victims within your community?

**Mr Rutter:** Absolutely.

**Mrs Dombrowsky:** That can be part of your responsibility as well. While you receive a budget from the city of Belleville, there may be extenuating circumstances that would require you to go to the Solicitor General for some additional resources. It would be very important for me to understand that while, certainly, I respect that police services must operate efficiently and within their means, there certainly are circumstances that may require some additional resources, either for the short or the long term. Am I hearing you say, then, that

you would be inclined to consider possibly making those recommendations to the higher level of government?

**Mr Rutter:** Anything that would improve the situation, I would be quite prepared to make recommendations to the proper authority to do so.

**Mrs Dombrowsky:** Were you able to attend the event a week ago—I was there in Belleville—where the minister made the announcement about the youth crime and violence initiative?

**Mr Rutter:** I was not present. I read some accounting of it in the local papers.

**Mrs Dombrowsky:** That report, of course, would suggest to you that there is a good deal of goodwill within the community to work co-operatively to address some of the problems and concerns that you've identified.

**Mr Rutter:** Yes.

**Mrs Dombrowsky:** How long have you been a resident in the city of Belleville?

**Mr Rutter:** I think it's coming up on 10 years.

**Mrs Dombrowsky:** Very good.

**Mr Martin:** I note by your resumé that you're the father of five girls and two boys.

**Mr Rutter:** That is correct, sir.

**Mr Martin:** That was the makeup of my family.

**Mr Rutter:** Is that right? We are lucky parents.

**Mr Martin:** Yes. I was able to identify with your description of compassionate but firm. Parents of that number of children need to have a generous amount of both of those things.

I'm interested in the question that you actually raised. You have a very impressive resumé here. You've done a lot of really valuable and important things in public life. Why policing at this time? You mentioned a number of priorities. Is there one thing that is of interest to you that you think you can make a difference around or contribute to?

**Mr Rutter:** As the resumé points out, I've been attached to general service to the public. I guess maybe it stems back from working with people. Five years ago, if you had asked me, "Would you consider an appointment to the police board?" I would likely have said, "No. At this particular time I have many things going in the community, serving on various boards and that, that I couldn't do justice to it." I have cut back on some of my service to the community, as it illustrates in my resumé, and I have time that I want to devote to serving the city of Belleville and the residents of Belleville in a way that I think will be meaningful. That's the reason I want to serve on it. I'm not one to sit back and read the Globe and Mail and have my coffee and sleep all day. I'm active and I want to maintain that activity. I think this is an excellent way for me to do it and I believe I can do the job.

**Mr Martin:** There are many who claim that since September 11 the world has changed dramatically and there are many who feel that safety of community and security and policing need to change in response to that. What's your view on that?

**Mr Rutter:** I think September 11 has developed a different attitude in the general populace at large and it has given us an avenue where we have developed more respect, I believe, for policing per se. Policing in the past, you know, would seem to be coming across where they were enemies of the general public. Since we have had that September 11 incident, that tragic incident, it's brought to the fore the police staff, fire staff, civilian staff. Members of all ranks have pulled together and I believe it's been one of the most wonderful things that's happened, if you look at it from that aspect: a tragedy, and these are the wonderful results of it. It's made us stop and look where we're going and why were there.

**Mr Martin:** One of the negatives of all of that is identified as perhaps a heightened anxiety around the question of our pluralistic, multiracial, multicultural society and perhaps—it may be unintended—some racial profiling that could ensue. Do you have any comment on that or how you think that may play out?

**Mr Rutter:** The colour of one's skin has never been important to me in my lifetime.

**Mr Martin:** And you don't see it as becoming an issue as we fight this war on terrorism?

**Mr Rutter:** No. I think we have more common sense than to let it become an issue.

**Mr Martin:** OK. There's a piece in the Police Services Act that calls for the need to ensure that police forces are representative of the communities they serve. What do you think that means?

**Mr Rutter:** I'm going to be very honest with you. I've been trying to get a copy of the Police Services Act since I put my application in and I have not had one put in my hands yet. If you would repeat it to me, I'd be prepared to give you an answer to it, but I don't know what it means, to be honest.

**Mr Martin:** It says that there's a need for police services to ensure that police forces are representative of the communities they serve.

**Mr Rutter:** Oh, yes, certainly. I would interpret that to mean all nationalities, races and religions are eligible to serve on a police board, and on a police force.

**Mr Martin:** Community policing: any thoughts on where we should or might be going with that?

**Mr Rutter:** We have community policing in the city of Belleville and from all inquiries that I have made with friends who sit on it and are active on it, it works very well in the city of Belleville in helping the police force in many ways to prevent these petty crimes that we get into.

**Mr Martin:** Those are all my questions.

**The Chair:** That completes the questioning. Thank you very much, sir. You may step down.

We will now move to the consideration of these three individuals. There are a couple of matters I just want to give the committee a heads-up on: what we do with our next meeting and the appointments we will have; there's another matter that Mr Gravelle wishes to raise; and there's the matter of a withdrawn intended appointee.

Let me deal first with the individuals who are before us for consideration. The first is Terence Cant, intended appointee as member, North Bay Police Services Board.

1200

**Mr Wood:** I move concurrence re Mr Cant.

**The Chair:** Mr Wood has moved concurrence re Mr Cant. Any discussion? If not, I'll call the vote. All in favour? Opposed? The motion is carried.

**Mr Wood:** I ask that Mr Braney be deferred to the next meeting.

**The Chair:** There has been a request that Mr Braney be referred for consideration to the next meeting.

**Mr Wood:** Which, I think, under the rules, simply goes over to the next meeting.

**The Chair:** Yes.

**Mr Gravelle:** May I ask why?

**The Chair:** Mr Wood may answer anything he wants, but you can ask why, I guess.

**Mr Wood:** You certainly can ask why any time you want to.

I move concurrence re Mr Rutter.

**The Chair:** Here it is. I'll read the section here to help members of the committee out with this procedure. It says, "At the conclusion of the meeting held to review an intended appointment, the committee shall determine whether or not it concurs in the intended appointment. Any member may request that the committee defer its determination to the next meeting of the committee, but in any event no later than seven calendar days. In its report, the committee shall state whether or not it concurs in the intended appointment and may state its reasons."

So it appears that can only take place for seven days, my interpretation of that would be, unless we have the unanimous consent of the committee to say until the next meeting.

**Mr Wood:** I'll ask for unanimous consent that this be deferred till the next meeting.

**The Chair:** Do we have the unanimous consent? We have unanimous consent. We are agreed and we will comply with the request of Mr Wood.

**Mr Gilchrist:** You didn't hear my no?

**The Chair:** All in favour?

**Mr Wood:** Agreed.

**Mr Gilchrist:** No.

**The Chair:** We do not have the unanimous consent.

**Mr Wood:** Therefore, it's deferred only one week.

**The Chair:** Yes, it is deferred only one week. If we have a meeting within that week, and we might well have a meeting within that week, we will be able to deal with the matter.

The next intended appointee is Edward Ted S. Rutter, intended appointee as member, Belleville Police Services Board.

**Mr Wood:** I move concurrence.

**The Chair:** Mr Wood has moved concurrence. Any discussion? If not, all in favour? Opposed? The motion is carried.

We have other business to deal with at this meeting now of the committee. One is, I should share with mem-

bers of the committee, a withdrawn one. This is a memorandum to Mr Claude DesRosiers, Clerk of the Legislative Assembly, and it's from the order-in-council appointment memo of November 2, 2001; this is from the Office of the Premier. The item is as follows: the Ministry of Municipal Affairs and Housing, Ontario Rental Housing Tribunal, William Covello. This is withdrawn. It says, "This is to inform you that one item included in the November 2, 2001, memorandum has been withdrawn, and, therefore, should not be considered." So the government has withdrawn the appointment of William Covello. That's for the information of committee.

There are other matters now. Mr Gravelle, you had a matter you wanted to raise.

**Mr Gravelle:** Yes. At our meeting of January 16, there was a discussion related to the expected appointments of members to the community care access corporations and a concern expressed at that time that the appointments might be for a period of time of a year or less, which would mean they wouldn't be called forward to the committee. It appears that is exactly what has happened, which I think is disturbing and it's unfortunate. I think the public should have the opportunity to know that we will be able to ask those people whether or not they are indeed qualified for the position. But the government did choose to make that move.

But I also understand, in terms of the point that's relevant to the meeting today, that there will be some appointments or are some appointments to the position of executive director. Some of them will be for a period of time of two years, which would then make them eligible. I guess what I'd like to ask Mr Wood is whether or not we can expect that those positions will be put forward under certificate and tabled so we have an opportunity to make a decision as to whether or not we want to call forward the people who are in the position of the new executive directors of the community care access centres.

**Mr Wood:** Whatever the rules require of course is what will happen. So you can expect that the rules will be followed to the letter.

**Mr Gravelle:** But can you give us any insight into whether or not these will be coming forward?

**Mr Wood:** I have received no information on that.

**Mr Gravelle:** Do you wish to comment on the fact that the appointments of the board members have been restricted to a year or less? That clearly denies us the opportunity to bring them forward.

**Mr Wood:** I have invited those who think that the standing orders should be changed to pass their opinions along to the Legislative Assembly committee which is studying the question of the rules right now. To the extent people have suggestions for improvement, I invite them to make them.

**Mr Gravelle:** I certainly think it's unfortunate, Mr Chair, that we will not have an opportunity to invite those people forward and I hope we do get an opportunity at least to interview the executive directors, the new ones, who may be appointed.

**The Chair:** The comment by Mr Wood that the committee can only deal with matters as they relate to the rules of the committee is, of course, one which we must follow and, that is, I cannot deviate from the rules of the committee. I don't think the committee can deviate from the rules of the committee. That would require a change by the House to do so.

Mr Martin, do you have a comment?

**Mr Martin:** This is a very disturbing approach that the government has taken. I raised it a month or so ago when we first became aware that this is what they were intending to do. At that time I also felt surprise from the other side at this, that they hadn't actually been told that this is what was going to happen.

I would hope, in that Mr Wood has invited us to speak to our House leaders and members to make sure that this is something that gets raised in terms of changes that need to be brought about, that he, who has emerged as a champion in his caucus for individual member's rights, would perhaps consider doing the same thing, because this removes a very significant group of appointments from the purview of the members elected to government to actually oversee public appointments in a very serious and troubling way.

I would hope that he would also work with us to make sure, if changes are needed, that they be made, because this is a skirting of the process by this government to ram through appointments, to do damage control with regard to community care access centres and some of the criticism that's coming forward from boards and executive directors where a number of them, in the last few months or weeks, as everybody knows, have literally been fired, new appointments made and, in some instances, boards of 12 members dismissed and three appointments made to replace them to carry out the work that those 12 members actually undertook. It's a very troubling evolution of the way that we deliver health care in this province.

What I would ask the Chair is, would it be possible for us, as I think we have a right to under the rules, call some of these agencies forward to be reviewed by this committee at this early date and how we would go about that?

**The Chair:** The committee indeed may review whatever agencies it wishes. In recent years the committee has spent more time reviewing intended appointments as opposed to agencies. Members can put forward motions to review agencies and they can be considered by this committee. But you were making a comment that I think Mr Wood wanted to respond to. Did you? Mr Wood did not want to respond to it necessarily. You have an opportunity at any time, I suppose, to put forward a motion but it would be the determination of the committee whether it wishes to review any specific agencies.

**Mr Gravelle:** Just for clarification, if either one of the parties makes that motion, is it then only successful if the government agrees, or can we simply call forward an agency such as the community care access centres and we would get a chance to examine their operations?

**The Chair:** It would require a motion of the committee and then the committee would vote on the motion.

**Mr Gravelle:** I would hope that the government members would support—

**Mr Wood:** That wasn't my understanding of the rules. Maybe I'm wrong. I thought any one of the three parties could require a review of an agency. I might stand corrected.

**The Chair:** We will get clarification from our clerk on that.

1210

**Mr Gravelle:** Because certainly I would be—

**The Chair:** While we're getting that clarification, go ahead, Mr Gravelle.

**Mr Gravelle:** I would certainly like to take the opportunity to move that we do bring the community care access centres forward for examination, if indeed we are allowed to do that.

**Mr Martin:** I would move very specifically that we ask before this committee at it's earliest convenience the Sudbury community care access centre, it's board and new executive director; that we call that agency forward, and that any personnel that we need to speak to or ask questions of with regard to that agency be brought forward, as we have done in the past.

**The Chair:** We're getting clarification at this time on the specific rules that revolve around how an agency is brought before this committee. This tells us how many agencies we have reviewed lately. We're getting clarification of that and whether it requires a motion of this committee or whether it doesn't. After that, of course, if it happens to be the case, we have to then schedule it appropriately.

I am informed that we need a majority of the committee to agree to review any agency. In the past, it is our understanding that by consensus we have placed agencies before the committee for consideration, but that it would require a motion, a voting on the motion and a passing of a motion by the majority of the committee for us to review a specific agency, though I can recall—and this may be where Mr Wood's comments come in appropriately—where there has been a consensus that has developed and each of the parties have suggested agencies that we review and then it was accepted by the committee that they be reviewed. That is our understanding; the clerk has sought that clarification and has come back with that clarification.

Any further comment? The motion, then?

**Mr Martin:** I would move that we bring forward a number of the community care access centres to be reviewed, beginning with the Sudbury agency.

**The Chair:** The motion, I should say, is a bit on the vague side because you said, "a number of them" and the members of the committee would like to know which.

**Mr Martin:** Sudbury.

**The Chair:** OK, if Sudbury is the specific one, a specific community care access centre agency—that is a specific one for review as an agency, not individuals,

though individuals from the agency may appear, I suppose, while we do that. Any comment, first of all?

**Mr Wood:** I have a question. It is my understanding there are sittings in the intersession that pertain only to consideration of intended appointees. Am I correct in that? That the standing orders provide for us to—I have just been given something which may assist. I do have the standing orders here.

**The Chair:** I have a standing order, point 13, that says, “During any adjournment of the house that exceeds one week, the committee shall meet on such day or days as may be determined by the subcommittee, but in any event not more than 3 times per month.”

**Mr Wood:** Where are you in the standing rules so I can follow where you are? What rule are you in?

**The Chair:** It’s 106.

**Mr Wood:** What part of it?

**The Chair:** It’s (e); 106(e)(13).

**Mr Johnson:** I just wondered if it would be better if the subcommittee dealt with this and brought us their recommendation.

**The Chair:** Certainly what has happened before, I am informed by the clerk, is that permission was sought to review agencies—that was denied in this intersession—but that a subcommittee could still have the opportunity to get together to determine whether or not we would want to review any agencies while the House is not sitting.

**Mr Wood:** I think that perhaps we might invite you, Mr Chair, to call a meeting of the subcommittee. I think it would be of some help that, if there are those who feel that an agency should be reviewed, they might give advance notice to the other members of the subcommittee so we can be aware of what’s going to be requested. If that procedure is not followed, it may well be that the matter will have to be deferred when it gets to the subcommittee.

**Mr Martin:** I actually have no difficulty with that. I think that’s the respectful thing to do, to give everybody some notice that we want to bring forward an agency. Certainly I’ve indicated today which agency we would like to see. I believe that once we’ve decided, as in the past, by consensus—because I’ve sat on this committee for quite some time—that we would bring an agency forward, then each caucus gets to name people they would like to invite to come before the committee to answer questions or to give deputation on behalf of that agency. That would be the way it would work. I am certainly willing to meet as a member of the subcommittee to suggest, hopefully by consensus, that we actually bring forward one of these agencies.

**Mr Gravelle:** I’m comfortable with that as well. Quite frankly, I wouldn’t mind a little opportunity to do some work in terms of which agencies we want to bring forward. That would probably be the most appropriate way to do it, through the subcommittee meeting, if we can do that as soon as possible.

**The Chair:** We appear to have a consensus on this and, as Chair, I think it’s a wise consensus, because if we

simply have a motion come before the committee people may vote for and against without a lot of consideration of things. The subcommittee has a chance to have a good informal exchange of views on this and perhaps develop a consensus on the subcommittee. When we have a unanimous subcommittee on matters of this kind it usually has considerable success when we get to committee. As Mr Wood has suggested, I will call a meeting of the subcommittee for that purpose, to determine if any agencies shall be called and, if so, which ones, and then talk about the possibilities in terms of dates and times.

**Mr Gravelle:** Terrific.

**The Chair:** I’m back now to another issue and that is the next meeting of this committee. With all members sitting here now, perhaps I could get a thought as to when you would like to meet next. Personally, as Chair, I’m prepared to meet any time in the next week or two weeks, whatever you need.

**Mr Wood:** What would business that we have before us indicate as an appropriate date?

**Mr Martin:** That’s a good question.

**The Chair:** I would ask the clerk to comment.

**Clerk of the Committee (Mr Tom Prins):** In the subcommittee report we passed this morning there were four new appointments. We’ll have to deal with those intended appointments and then we have the deferred vote on Mr Braney.

**Mr Gravelle:** Let’s do it next week.

**The Chair:** Are you available next week?

**Mr Gravelle:** I would suggest next Wednesday.

**The Chair:** The problem with that is that we ordinarily get information from Mr Pond on the Friday before. You would probably have to wait a little longer to get that material. In terms of having background information, it would take a longer period of time, unless you wanted to deal with just one at that time.

**Mr Martin:** We have the challenge of the appointee who was stood down today. If we’re going to deal with it, it has to be done in a week or else I don’t know what happens to it. It goes into the netherworld or whatever.

**The Chair:** I’ll ask our clerk to comment on that as to what happens. We do not have unanimous consent, quite obviously. Mr Gilchrist has dissented, as is his right in the committee. We do not have unanimous consent. There is a seven-day rule. I’ll ask the clerk to inform us as to what happens if we do not meet within the next seven days.

1220

**Clerk of the Committee:** Standing order 106(e)(10) outlines the steps that would be taken or what happens if the committee doesn’t report on an intended appointee. I will confirm, but if we don’t present a report, then a report is deemed to be made that we’re in concurrence. But I will verify that.

**Mr Wood:** Where do the rules say that?

**Clerk of the Committee:** Section 8 of standing order 106(e).

**The Chair:** Our clerk will seek further clarification.

**Mr Wood:** I've read subsection 8 of that and I haven't found what you've just said.

**The Chair:** If we can wait a moment, we'll get some further clarification from our clerk as to the procedure we would follow and the consequences of not dealing with this intended appointee within seven days.

The clerk has clarified this for us. The ruling would be that if we do not deal with this intended appointee within seven days, the report is deemed to have been made and the appointment is concurred in.

**Mr Wood:** Where do the standing orders say that?

**The Chair:** We'll ask our clerk to read the standing order to the committee.

**Mr Wood:** If you'd just refer to the subsection.

**Clerk of the Committee:** Section 10 deals with the deadlines. If the committee doesn't meet these deadlines then a report is deemed to have been made and the committee concurs in the appointment.

**Mr Wood:** OK, I understand what you're saying now. I've got it.

**The Chair:** If I could just read to the committee number 10, it reads as follows:

"A report that the committee will not review an intended appointee shall be deemed to have been made by the committee and adopted by the House in any of the following cases:

"(a) a report respecting the intended appointee has not been made by the committee within 30 calendar days following the day on which the minister tables the certificate referred to in paragraph 1,

"(b) the subcommittee does not at its first meeting following the day on which the minister tables the certificate select the intended appointee for review, or

"(c) the intended appointee has not been selected for review by the subcommittee within 14 days following the day on which the minister tabled the certificate."

It appears we are in a circumstance where the following is what we must follow: we either deal with the appointment today or we must have a meeting within a week, that is, by next Wednesday, to deal with the intended appointee. Otherwise, the person is automatically appointed. That is, I believe—

**Mr Gilchrist:** Your first option is no longer an option because the committee has agreed to a deferral. So you have one option and one option only, and that is when you call your next meeting day. Since there's no motion on the floor, I'll move the committee return two weeks from now, on March 6, for the consideration of further appointments, in deference to the legislative research.

**The Chair:** Just to clarify it, we are in this situation: you have heard the motion. The motion would mean that the intended appointee in question today would automatically be approved without further consideration by the committee. I just want to clarify that for members of the committee. So if you vote for Mr Gilchrist's motion, then the intended appointee would automatically be approved and we would not have a chance to review it. If you vote against the motion, well, you vote against the motion.

**Mr Gilchrist:** On a point of order, Mr Chair: You have no further ability to review anything. You have the ability to vote, but you have no further ability to review. So I would appreciate that clarification for the committee. The only thing that would happen after deferral is asking people to put up their hands.

**The Chair:** Yes, exactly. Mr Gilchrist is correct in saying that it would not be a further review, where the intended appointee is before the committee; it would be a matter of discussion and voting.

**Mr Gilchrist:** Discussion I'll accept.

**The Chair:** You're quite right.

**Mr Martin:** I understand now what the point is that he was making. In terms of the motion that's before us, it's absolutely impossible for legislative research to get—I would like to honour the intent of Mr Wood to have more time to review this appointment and to have a chance to vote on it at some point. But to come back next week simply for a vote, particularly those of us who have to come a long way, never mind the time, is quite expensive for the Legislature. If there were any way that we could do a few more appointments next Wednesday, it would seem to me to be more in keeping with the responsibility of this committee for us to come back next Wednesday and deal with this, if there was sufficient work for us to do.

**The Chair:** Of course, as you know, there are always opportunities for any members of the committee who are unable to be here to have substitutes. I was just informed that's something we can do. This committee has full substitution rights. If any members of the committee are unable to be here for a meeting next week, for instance, those people could be substituted for, including the Chair. So that option is available as well.

Is there any other further discussion of this motion?

**Mrs Dombrowsky:** The motion is to meet—

**The Chair:** The motion is to meet two weeks from today.

**Mrs Dombrowsky:** I would like to make a comment on the motion. I think there were some intentions understood at the table that—because I was not as familiar with the standing orders, it was my intention that when the intended appointee would be returned to the table, we'd have an opportunity to make some comment about our impressions. So I'd like to make those comments now, since I'm not going to have—

**Mr Gilchrist:** That's not in order, Chair.

**The Chair:** That's not in the motion. He has a motion before the committee right now, so you can only speak to Mr Gilchrist's motion at this time. Mr Gilchrist's motion is that the committee meet two weeks from today to consider further appointments.

**Mr Gravelle:** I hope the government members, aside from Mr Gilchrist, vote against this motion. I think we should have an opportunity to make comments on Mr Braney's intended appointment. This is not the way the process should be working.

**Mrs Dombrowsky:** You gave unanimous consent. We wouldn't have done that.

**Mr Gravelle:** I certainly can't speak for the government members, but I'm sure that wasn't their intent either. This is not the way the process—we talked about it earlier regarding other appointments. This one was brought before the committee. One would like to see the process give us an opportunity to at least make our comments and discussion before we vote on it. So I hope the other members of the committee would not support Mr Gilchrist's motion. Otherwise, it makes kind of a farce out of the process, as far as I'm concerned.

**Mr Johnson:** I want to comment, because I have two things to decide. One is when that next meeting is and the other is how you're going to treat the deferment. I assume we have a subcommittee and they will determine that. So I don't want to get mixed up in, "You have to vote one way because..." I don't want to be coming down to Toronto every time—Mr Martin says that we can't. It's impossible to make these determinations. I've had telephone calls, there have been votes by phone, and all sorts of things, so it's not impossible. I want to vote on when our next regular meeting is and I'm prepared to do that right now.

**Mr Gravelle:** Just as long as we understand the implications of that. The fact is, if we support this motion, the Chair has made it very clear we are putting ourselves in a position where we can't actually vote on this appointment. I think we would want to have an opportunity to make comments on the appointment. I think that all members would want to be in that position to actually vote on this appointment.

1230

**The Chair:** The clerk will correct me if I'm wrong, just to go through the sequence of events we've had: we have had Mr Wood request that the consideration of this appointment be deferred. The committee has agreed that—

**Mr Wood:** No, they haven't. It has been deferred. Any member of the committee can request a deferral and they get it. The committee does not have to agree to my request.

**The Chair:** Any member may request it, but what would require consent would be going beyond the seven days. Correct?

**Mr Wood:** Yes.

**The Chair:** Yes, that's what it is. So the committee does not have any say if a member requests, as Mr Wood has requested, that it be deferred; it can be deferred. The next question would be, of course, when are you going to defer it to? If you defer it beyond seven days, it automatically goes through without further consideration. If we have a meeting within seven days, you can consider that. If we had a meeting, for instance, for next Wednesday to pull something out of a hat, that's within seven days, then you could consider—when I say "consider," I mean only have the discussion on and the vote on that intended appointee at that time.

As you know, with Mr Gilchrist's motion, which is on the floor now, he is saying that the next meeting shall be two weeks from now and all intended appointees two weeks from now shall be considered. That would not

include, as I understand, the intended appointee to the Environmental Review Tribunal, because that would have automatically gone through as a result of not being considered within seven days.

We're getting a little bit of further clarification.

**Mr Gilchrist:** As the mover of this motion, let me just say that I am taking direction from the legislative researcher. I haven't heard anything in the course of this debate that altered his original submission that he can't do it in less time and provide adequate notice to the members of the committee. So if, for some other ulterior motive, you want to short-circuit the review of the other four appointees, then certainly take a different path. But you have heard from the person who prepares that research for your consideration, presumably for your informed review and the opportunity to have an informed discussion with intended appointees, that he can't do it.

With the greatest respect, familiarity with the rules is an obligation of each member. This certainly is not the first deferral, and if people aren't familiar with that rule, then I suggest they go back and bone up on the standing orders. But in this case, if the work of the committee is focused on the next group of appointments as much as anything that happened here today, surely you have to pay deference to the submission you've had from the legislative researcher. If you want to hear just one and he can produce one, well, that becomes a cost consideration for Mr Martin and the \$2,000 it will probably cost us to fly him down and back—it's certainly \$1,000 with no advance notice—if that's your consideration. But we haven't heard anything to the contrary that next Wednesday is not an option for the legislative staff.

**Mr Martin:** I think it's important to make clear here that we all understand the rules and that the issue at hand here is a member of the governing caucus who has found a way around a deferral here, that he obviously is opposed to, to get this appointment made without there actually in fact being a vote. That's what this is about.

**The Chair:** Any further comments on this motion? Just so I can help members out, Mr Gilchrist is quite right in saying that if you wanted to come back next week for the purposes of dealing with one individual, you may do so. As we know, anybody can substitute, whether it's Mr Gravelle, Mr Martin, Mr Gilchrist or myself. Any one of us can have another substitute in for the vote at that particular meeting, because we would not be going through a further review; we would simply have the discussion of that appointment and the vote on that appointment. So if you wish, you can get your substitutes, or you can vote for the motion, whatever you wish.

**Mr Gravelle:** I do think it's important that we have an opportunity to have a discussion related to this appointment. And you're quite right; I appreciate what you've just said, Mr Chair, in terms of substitutes. I appreciate that Mr Gilchrist's motion is on the floor first. I guess we have to vote on it, unless you withdraw it. I would certainly move that, given the opportunity, we do meet next week. As it turns out, I will be here and I think my colleague will be here as well. So it would certainly be an opportune time for us to do it. It would have been better,

obviously, to have many other appointments, but I appreciate that Mr Pond is not able to provide that material, and that's certainly not his fault.

But I think it's important that we deal with this by completing the process, which was certainly the intention, I trust, when the day began, to have the interview of the intended appointee and to have the discussion and the vote. I would like to think that we'll have that opportunity. It appears now, because of what has happened, that the only opportunity we will have is if we do meet next week. So I would like to suggest that we do that.

**Mr Martin:** There is one other possible scenario here, and that's that Mr Wood—going back to further investigation with regard to this appointment—finds, as he has in the past from time to time, that they want to withdraw the application. That could be what happens as well. That notice could come to us long before next Wednesday, if that's what your intention is. You've done that in the past; we've had intended appointees deferred and the government caucus come back and say, "We've withdrawn that intended appointment." That could happen as well.

**The Chair:** Any other discussion on this matter? I think we all know what all the implications are of this motion. I don't think there's anything further. If you'd like any further clarification, I can get it for you. But as you know the implications of it, I'm going to call the vote.

All in favour of Mr Gilchrist's motion? Opposed? The motion is defeated. When you make a motion and it's tied, the motion is defeated.

**Mr Gravelle:** I would like to move that we meet next Wednesday. I move a motion that we have our gathering next Wednesday.

**The Chair:** For which purpose?

**Mr Gravelle:** I move we meet next week to consider—

**The Chair:** I have to have a specific day.

**Mr Gravelle:** —next Wednesday, February 27, at 10 am, to consider the deferred appointment.

**The Chair:** Discussion? Does anyone wish to discuss that? OK, if there's no discussion, all in favour? The motion is carried. We will have a meeting next week for that purpose.

May we leave the next meeting of the subcommittee subsequent to that? Is that what you'd like, or would you like to move that yet another meeting be held in March? We can do that by the whole group here today or by the subcommittee.

**Mr Wood:** I for one would be satisfied with that, at the discretion of the Chair, after consultation with the subcommittee.

**The Chair:** Thank you, Mr Wood. We will do that.

Any further business for the committee? Clerk, do I have any further business? If not, I'll ask for a motion of adjournment.

**Mr Wood:** So moved.

**The Chair:** Mr Wood has moved adjournment. All in favour? Opposed? Carried.

*The committee adjourned at 1239.*







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