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**Official Report  
of Debates  
(Hansard)**

**Tuesday 19 March 2002**

**Journal  
des débats  
(Hansard)**

**Mardi 19 mars 2002**

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**Comité permanent des  
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Travaux du comité

Chair: 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

Tuesday 19 March 2002

Mardi 19 mars 2002

*The committee met at 1032 in room 151.*

## SUBCOMMITTEE REPORTS

**The Chair (Mr James J. Bradley):** I'm going to call the meeting to order this morning. We have a couple of items on the agenda; to begin with, the report of the subcommittee on committee business dated Thursday, February 27, 2002.

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

**The Chair:** Mr Wood has moved its adoption. Any discussion? All in favour? Opposed? The motion is carried.

Second is the report of the subcommittee on committee business dated Thursday, March 14, 2002.

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

**The Chair:** Mr Wood has moved its adoption. Any discussion? All in favour? Opposed? The motion is carried.

## INTENDED APPOINTMENTS

## ROBERT SHIRRIFF

Review of intended appointment, selected by official opposition party: Robert Shirriff, intended appointee as member, Ontario Securities Commission.

**The Chair:** We now begin our appointments review. The first is Mr Robert Shirriff, intended appointee as member, Ontario Securities Commission, and he will correct me if I have mispronounced his name.

**Mr Robert Shirriff:** You've pronounced it perfectly, Mr Chairman.

**The Chair:** Thank you. Welcome to the committee, sir. As you probably know, you have an opportunity initially to make some remarks, should you choose to do so, and subsequent to that each of the political parties represented on the committee has up to 10 minutes to direct questions to you.

**Mr Shirriff:** Chairman and members of the committee, I will take the opportunity of making a brief statement. I first want to thank you for the opportunity of appearing before you today.

I believe you may have seen a brief outline of my educational and professional history to date. A brief amplification on my professional career:

I began the practice of law in 1958 at Fasken Martineau and have remained with that law firm ever

since. My early years were spent in the practice of civil litigation. However, as one of 14 lawyers, I also practised in other areas of the law. As time passed, my practice began to concentrate on business law transactions and since the early 1960s it has been exclusively in this area.

Although most of my time has been spent on financings, mergers and acquisitions, I have also worked on some other unique matters. One that I found most memorable involved working with the Ministry of Health, the Toronto Western Hospital, the Toronto General Hospital, the Ministry of Health and the University of Toronto in the preparation of the public bill which merged the two hospitals; I represented the hospitals. Working with all of those parties, particularly in that case the legislative drafting experts, in bringing the matter to a successful conclusion was for me a most enjoyable experience.

For the past 10 years I have been involved almost exclusively with mining transactions.

With respect to my appointment which is under review, please let me explain that I did not seek it. I was called by the chairman of the Ontario Securities Commission and told that my name had been proposed by the commission's nominating committee. He explained to me, in general terms, what the appointment would entail and asked if I would let the nomination stand. I was taken completely by surprise, and I requested a short period to consider my answer. Although I now have special-partner status with my law firm, I still have a very active practice and was concerned about the impact the appointment might have upon it. I spoke with several of my partners and on reflection saw the appointment as an interesting and challenging one. I also remembered something my late senior partner, Mr Calvin, had told us as young lawyers: "If your government asks you to perform a public service, it's your duty to accept it." Mindful of this and trusting that those commissioners who had worked with me in the past were confident that I had the qualifications for the appointment, I telephoned the chairman and told him I would let my nomination stand. That is my statement, and I welcome your questions.

**The Chair:** Thank you very much, sir. We begin our consideration of the appointment, going in rotation from the last day, with the government caucus.

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

**The Chair:** The government has waived its time, so we move to the official opposition.

**Mr Michael Gravelle (Thunder Bay-Superior North):** Good morning, Mr Shirriff. How are you, sir?

**Mr Shirriff:** Fine.

**Mr Gravelle:** Obviously you've had some experience working with the Ontario Securities Commission in terms of your relationship, and with your background as well, it's clear that you feel you bring something particular to this and are able to find the time. What do you see, though, as some of the changes that might be brought forward in terms of the role the Ontario Securities Commission plays? I think it's probably fair to say that the average Ontario citizen is not totally tuned in to the role they play and it tends to be most public when there are major matters they're dealing with, dealing with some of the larger and more significant financial figures in our country and our province. Begin by telling me what you think you can bring to it and what changes, if any, you would be moving toward.

**Mr Shirriff:** I think one of the problems the country faces with respect to securities administration is that very fact, the way the securities surveillance is administered throughout the country. Capital is extremely important to Canada, being able to attract capital: (a) have pools of capital and (b) have people who want to come to raise their capital in these markets. That's what will produce wealth for this province and for the rest of the country. To the extent that the capital pools are not available, it's a problem; and to the extent that the procedure, the regulations and the rules you have to follow to raise capital are difficult and complicated, it also creates a problem.

There has been a lot of comment in the press recently—I'm sure all of you have read it—from both Barbara Stymiest, the president of the Toronto Stock Exchange, and from David Brown, the chairman of the commission, that we have too much regulation in the country. We have 13 jurisdictions, some of which regulate more than others, but basically you have 13 regulatory bodies to go through. There has been an effort for some time now to streamline that. It's a very political issue, as I'm sure you would appreciate. I believe the chairman's present position is that we don't need a federal agency; we should have a pan-Canadian agency whereby the provinces, which have the legislative jurisdiction in this area, as you know, will be prepared to cede their regulatory power to a single commission or agency. I believe Barbara Stymiest has spoken in terms of a federal agency.

One way or the other, I think it would be most desirable for the capital markets, for business in this country, for everybody really, because I think in this country wealth does trickle down to everybody, that we achieve that. To the extent that I could help in that regard, I would be extremely happy to do so. That, I think, is one issue.

**1040**

Of course, the other issue is what is on everybody's lips these days, the Enron situation and the problems: could Enron happen in Canada; what are the causes of

that; and what steps can we take to ensure that a similar situation will not occur in Canada? I know the commission is dealing with those very questions today. I think you will see movement on a number of fronts relating to the accounting rules and regulations and relating to disclosure, transparency in financial statements and that sort of thing. To the extent that we can achieve progress in that direction, I think we will have accomplished something quite significant; and to the extent that I can make a contribution to that, I would be pleased to do so.

**Mr Gravelle:** You're touching on, obviously, a very interesting and very sensitive point, especially when one talks about there being too much regulation—at least for those who feel there's too much regulation. That can be very much a double-edged sword, I think. There are those for whom that raises a bit of a red flag, because, as you say, one thinks of a variety of incidents where, I would argue, indeed people in this province suffered as a result of there not being the appropriate regulation. Obviously, in the financial services sector that would be something you would want to be very careful of in terms of how one defines "regulation," I presume.

**Mr Shirriff:** Yes. I think there are advantages in streamlining it in the sense that we have regulation—make no mistake, we need regulation; we need good regulation. What I think is everyone's—not everyone's; I think what is the chairman's desire, Stymiest's desire and the desire of a number of others involved in the capital markets, is to have one regulated agency.

**Mr Gravelle:** And that is referring, in essence, to the national securities regulator or the pan-Canadian version. Tell me quickly about how you would view the pan-Canadian version working. Is it because an actual national securities regulator is too difficult to achieve, or it just simply would make it more difficult for all the provinces to play a role? The pan-Canadian version is fairly close to that.

**Mr Shirriff:** Well, I don't want to appear to be lecturing, so please—

**Mr Gravelle:** Feel free.

**Mr Shirriff:** —tell me if I am. There is a constitutional question, of course, as to whether the federal government could legislate to create such an agency; I think there's constitutional ground for saying it could. Some of the provinces, I think, would be prepared to abdicate the field, in a sense, and let the federal government do it and others would not. That would cause, I believe, a bit of political turmoil.

If you went to all the provinces which have the legislative jurisdiction and said, "Look, let us create one agency. Let's get our Canadian securities administrators together, let's create a framework and let's give it to one agency. Let's have provinces represented on that agency but have somebody who wants to file a prospectus etc deal with one agency," this would be the most efficient way of doing it. The way you would accomplish that is by getting the co-operation of each province in ceding some of its authority to this one agency. I believe it could

be done. I believe it will have to be done. But I think it will take a little bit of time.

**Mr Gravelle:** If I may ask you one more question before I pass it off to my colleague Ms Dombrowsky, in the May 2000 budget, then-Finance Minister Ernie Eves was moving toward merging the Ontario Securities Commission with the Financial Services Commission. That still has not taken place. I think they were asking to have submissions completed by last June, in 2001, and nothing has happened. What are your thoughts on that in terms of the value of it? I certainly always have a number of questions related to the role of the Financial Services Commission in the province, and I'm just curious as to your thoughts on this.

**Mr Shirriff:** That's a question I've not studied, sir, so I don't have a view on it at this time.

**Mr Gravelle:** OK. Thank you.

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** Good morning, Mr Shirriff. I believe my colleague Mr Gravelle has made, with his questions, most of the points I wanted to make. I am especially heartened to understand that you are of the mind or the inclination to support a national securities commission in whatever form it might take, if it's a pan-Canadian regulatory body or whatever form it might take. As you probably are aware, certainly my leader, Dalton McGuinty, has committed to that notion as well, that if we are to be world players, we must effect that type of agreement. We are the only G7 nation that doesn't have that single body, and we do see that as a barrier for investment. So I am especially heartened, and I thank you for taking the time to be with us this morning and to make those points clear for us here.

**The Chair:** You have time for another question.

**Mr Gravelle:** If I may, I'm curious as to your thoughts—and feel free to tell me you just don't think it's appropriate—about the potential merger in terms of the Financial Services Commission, which, among other things, regulates the insurance industry in the province. I certainly have concerns as a provincial member up in northern Ontario about some of the extraordinarily escalating insurance rates, particularly for long-haul truckers and everything else. One of the things I often think is that the provincial government or the appropriate ministers probably need to work more closely to deal with some of those insurance increases.

Do you think it's appropriate for the province to play a larger role when the insurance industry, for example, speaks of the increases they need in order to perhaps justify some of their losses, and the impact that can have on the economy? Again, one of the concerns I have is with the escalating insurance rates. I've been trying to submit to the Minister of Finance that he should be trying to get more directly involved in that, to recognize that unless there is some real help, we're going to be losing a lot of people who deliver goods and services, particularly in the forest products industry. I wonder if you have any thoughts on that at all.

**Mr Shirriff:** I can only say I have not studied the question. It's not instantly clear to me that the regulatory

organization, the Financial Services Commission, would have a direct impact on the insurance rates that are charged, which ought to be based on the question of risk. So it's not immediately clear to me that having the merger of the two commissions, or the non-merger, or any position that the government might take on the issue, would necessarily affect it in any way. Aside from that, I don't think I can make any comment that is worthwhile.

**The Chair:** We now go to Mr Martin.

**Mr Tony Martin (Sault Ste Marie):** You obviously have, I take it, great faith in the system that we have in place, that it will work fairly for everybody concerned and that wealth will trickle down, or that it is trickling down. Many of us who had a little faith had that faith rocked with the Enron debacle of the last few weeks, which you've referenced. We've had a few of our own in Canada. We've had Bre-X, where a lot of investors got burned big time. We've had a number of organizations set up to administer people's money. There was a company in Sudbury that got dinged a couple of years ago. We have in front of us here a number of circumstances and situations in this country where insider trading was proven to be prevalent and taking place. My concern is for the interests of the many, many small investors, particularly people who have money in pension funds, who are dependent on that for their income and well-being in their old age, and that in fact this system really does work.

You're saying today, if I heard correctly, that you believe it does and that you'll be able to contribute to making sure that it continues to. Or what am I hearing you saying?

**Mr Shirriff:** I think the system functions fairly well. Obviously, the system is not perfect. You wouldn't have a Bre-X. You wouldn't have an Enron—we don't have an Enron situation in Canada. Yes, we've had Cartaway; we've had Timbuktu; we've had Bre-X. The dynamic there, I think, and what is under review and has been under review is, first of all, proper auditing and, second, proper disclosure: public disclosure, transparency in disclosure. I'm sure there can be some improvement there.

Third is a question of corporate governance. Where are the directors when these situations are revealed? "Where have they been," is the question. Recently you may have seen the expression "blind sentry defence," which is the director saying, "I wasn't there, and so I couldn't be expected to know." I don't think that is going to be available, if it is available, much longer.

**1050**

To answer your question in as short a way as I can, the system isn't perfect, but the regulatory authority, the commission, is considering changing the rules, changing the approach with respect to accounting, financial presentation and clarity in financial presentation and in financial statements.

They are also very much involved in the question of corporate governance. Part of corporate governance is your audit committee, making sure your audit committee

performs its function and has enough members on it who are independent of management.

All those things are steps you can take, I think, to prevent a Bre-X situation or a Cartaway situation from occurring. That is what the commission will do, and that is what I would like to aid in doing should I get this appointment.

**Mr Martin:** What you bring to this position is certainly, I think, a very impressive resumé of involvement within the corporate world of the province. There also seems to me to be a need to have on that board a balance of interests, knowledge and experience from the perspective, as I mentioned before, of the smaller investor and people who have money, perhaps, in pension funds. Can you give me any comfort this morning that you will in fact be able to act in that best interest as well?

**Mr Shirriff:** I would act in that best interest. I can give you that assurance, not just comfort.

**Mr Martin:** What knowledge or experience of that would you bring to the job?

**Mr Shirriff:** I think it goes back to the question that when you make an investment you have to have the information available to know the soundness and value of that investment. Those investments generally are business enterprises of some kind. Pension funds do have their investment managers, and they are usually intelligent, bright people who assess the value of these investments, and if they like the investment, they make the investment. What's incumbent on the commission, I think, and on the stock exchange and other regulatory authorities is to make sure there is an information flow to pension fund managers so they can make a proper evaluation of that investment. That is what has been missing in certain situations.

Mind you, there is no guarantee that you can always prevent fraud. If someone is going to be fraudulent, they are going to be fraudulent. I'm not saying it has existed in any particular case, but if a person wants to commit a fraud and is clever in planning it, he will do so. But the steps the regulatory authorities take, as I say, are with respect to information and disclosure about the business enterprise. The commission is constantly working on that to improve that disclosure. To the extent they succeed, that is always of value to pension fund managers and indirectly will benefit those whose monies are handled by pension funds.

**Mr Martin:** I'm not sure if this will be something you'll have any control over or influence in, but there is certainly some debate out there today in political circles, and I'm sure in financial circles as well, given the uneven way the economy has evolved, say, over the last 10 years. I come from northern Ontario, where our resource-based economy has really taken a beating and companies like Algoma Steel have struggled to keep their heads above water. My very simple analysis of that is that we're just not attracting the investment we used to any more. Investment is going to other places for a quicker return and into more high-tech, perhaps more interesting, economic activities.

Do you see a role for this commission, or what is your thinking on the question of regulation which would retain in Canada more of the capital invested by Canadians, and direct it into areas of the economy that have actually served us well over many years but are now struggling because they don't have the investment any more to improve technology and take advantage of new opportunities? Any thoughts on that, or do you see the commission having anything to say about that?

**Mr Shirriff:** I think the role of the commission is to make the capital markets efficient. To the extent they are efficient, people will want to use those capital markets to raise capital. They have to maintain the integrity of the capital market; they have to promote investor confidence. That is what the commission will do. That's its mandate, as I understand it. In terms of directing capital flow, I don't believe that's within the mandate of the commission, and I don't have an answer to that. I think that to the extent there are pools of capital, institutions that wish to lend, and people who wish to buy shares in enterprises for investment purposes, to the extent that you can attract people to those capital pools, you will create investment opportunity. In terms of moving from there and requiring a particular person to invest in a particular sector or retain part of the investment in the country, I think that is a political-economic question that lies outside the mandate of the securities commission. It gets down to a question of your fundamental economic views with respect to capital flows and regulating capital flows. As I say, I believe that is outside the mandate of the commission.

**Mr Martin:** I think you answered the question of my colleague from Thunder Bay that you hadn't really looked into the issue of whether the capital markets and financial services sector should be combined under one. Perhaps you might venture a thought, given that you will certainly be part of a commission that regulates the capital markets and that may ultimately have some influence on whether the two come together, on whether you see some inherent conflict of interest in putting those two together, given your answer to my last question, which is about people out there with a mandate to lend, versus those who are in the capital markets area.

**Mr Shirriff:** I don't have an informed view on that. I don't think I have a view that's worthwhile. As I understand it, should a question like that ever come before the commission, then the commissioners would be briefed on it by the staff, and they would have an opportunity to look at the facts and develop a policy. Should a matter like that come before them, I would have to wait until that time before I could offer a worthwhile opinion.

**Mr Martin:** Just one more question: do you see yourself in any way having—I don't know; I'm just chasing shadows here—any conflict of interest of any sort in taking on this work?

**Mr Shirriff:** I discussed that question with the chairman. I explained to him that I serve on the boards of several companies—I'm the chairman of the De Beers group of companies in Canada. If I may digress for a moment, it may be of interest to you to know that we

have a rather interesting potential diamond prospect in Treaty 9, which is in part of northern Ontario in the James Bay lowlands, that I think will contribute quite significantly to the general well-being of everybody in that part of the province if the project goes ahead.

If I'm still active in my law firm, should a matter come before the commission in which my law firm is involved, obviously I will not be involved. It would operate the same way if you were a judge or something like that. So I think any potential conflict could be avoided in that sense. Should any of our clients have a matter that is before the commission on a hearing or something, I would just not be involved in that matter. I've discussed that with the chairman. So in that sense there's a potential for conflict but I think the conflict could be avoided.

**The Chair:** Thank you very much for your questions, Mr Martin. The government has waived its time, so that concludes the questions. Thank you, Mr Shirriff, for being with us today. The consideration of the appointment takes place at the conclusion of the interviews today.

I'm going to be stepping down from the chair to put on a different hat for the next two applicants. I'll ask Mr Gravelle, the Vice-Chair, to take over so that my neutral, non-partisan hat can be taken off.

1100

#### JENNIFER SMOUT

Review of intended appointment, selected by official opposition party: Jennifer Anne Smout, intended appointee as member, Ontario Municipal Board.

**The Vice-Chair (Mr Michael Gravelle):** We will move forward with our next selection and call forward Jennifer Anne Smout, an intended appointee as member of the Ontario Municipal Board. You have an opportunity to say a few words to begin the process and then we will begin the questioning, beginning with the official opposition. So please feel free to make a presentation if you wish.

**Ms Jennifer Smout:** Thank you for allowing me the opportunity to speak with you today here in Toronto. I'm honoured to have been nominated for a position with the Ontario Municipal Board and would welcome the opportunity to serve the province in that regard. I understand that you have a copy of my curriculum vitae but I would like to take a few moments to highlight for you some of my experience and qualifications as they relate to my intended appointment as a member of the Ontario Municipal Board.

I am a lawyer with the Corporation of the City of London legal services department. That means I work in-house with the city of London. My areas of practice include real estate law, land development, land use planning and zoning, expropriation law, condominium law, commercial and real property-related litigation and procedure, municipal law, environmental law, business, corporate and commercial law.

As a solicitor, counsel and adviser to the Corporation of the City of London, I am responsible for making recommendations, directly and indirectly advising city council, boards, the board of control—we do have a board of control in London—standing committees, boards and commissions, our senior management team and various internal departments. I direct and coordinate legal matters within my areas of practice and expertise and I assist with the formulation and implementation of internal policies and procedures.

In my capacity as a solicitor, both with the city of London and outside the city, I have appeared before the Ontario Municipal Board, the board of negotiation, the Ontario Superior Court of Justice and the Divisional Court as well.

I was born and raised in London, Ontario. I attended McMaster University in Hamilton and graduated in 1983 with an honours bachelor of arts. I studied political science and I had a particular interest in Canadian politics, public policy and public administration. I returned to London to attend law school at the University of Western Ontario and I graduated with a bachelor of laws in 1986.

I articulated with the firm Siskind Cromarty, which is now known as Siskind, Cromarty, Ivey and Dowler, in London. When I completed my articles, I attended the bar admission course in London and was called to the bar in 1988. I then returned to work with the firm Siskind, Cromarty, Ivey and Dowler for a few years and then later joined a smaller firm in London: Brown, Beattie, O'Donovan.

When I left Brown, Beattie, O'Donovan, I envisioned starting my own law practice and worked in association with a colleague of mine, Susan Carlyle, in London. While I was developing my own practice, I had the opportunity to complete some work for the city of London on a contract basis, and that started in about 1993. In 1994, I was offered a position at the city of London, full-time in-house. So I didn't spend very long in my sole practitioner days but I certainly did enjoy them.

As you will see from my curriculum vitae, I have a particular interest in teaching as well and I've been an instructor at the bar admission course which is offered in London. I've done that since 1992 and I've instructed in the real property section of that course.

I've also been a speaker, program chair and program coordinator for several continuing legal education programs throughout the province. Those programs have been offered by the Law Society of Upper Canada, the Ontario Bar Association and our Middlesex Law Association as well.

I have been a member of the Ontario Bar Association since 1998. For lawyers, this is a very important organization. We are the voice of the legal profession. It's a volunteer, not-for-profit organization, which serves over 15,000 members throughout the province. I've served as an elected member of the council of that organization, which is the governing body, from 1992-99 and

2000-02. I've also served as an elected member of their executive committee from 1996-98 and again from 2000-01.

So I submit to you today that my qualifications and experience demonstrate that I am a suitable nomination for an appointment to the Ontario Municipal Board, and I do welcome any questions the committee may have of me today.

**The Vice-Chair:** Thank you very much, Ms Smout. We'll begin our questioning with the official opposition.

**Mr James J. Bradley (St Catharines):** It is perceived by some that the Ontario Municipal Board in its present constitution—I think that's the correct word—is pro-development. My colleague Mike Colle has a private member's bill before the Legislature in fact to abolish the Ontario Municipal Board because of its pro-developer, pro-business bias. I want to put that on the table so you can see a bit of the direction I'm coming from.

You are from the city of London. I know you'd be aware of the Reservoir Hill case. Reservoir Hill, the park, for the members of the committee who might not be aware of this, sits on a major moraine landform, a major watershed and a source of drinking water. It's environmentally and historically significant land in London, the scene of skirmishes during the War of 1812. That's how significant it is historically. Zoned as open space, the developer who owns the land tried to rezone it to build two 12-storey towers. The residents mobilized to stop the rezoning. The residents won. City council supported them and refused the rezoning. The developer appealed to the OMB and won. City council supported them and refused the rezoning, as we've said, but the developer won at the OMB despite the city and resident objections. The city appealed to the Ontario Court of Justice. Justice Kennedy, who granted leave to appeal, said in his ruling that the OMB panellist, Mr Rosenberg, exceeded his power, denied justice and sided with the developer. This is similar to a court case against the OMB that said the OMB exceeded its jurisdiction when it struck down a bylaw to stop demolition in Ontario.

Since you're from London, what was your opinion of the Reservoir Hill decision by the OMB?

**Ms Smout:** Mr Chair, I would have to advise Mr Bradley that that decision is currently under appeal. The material has been filed with the Court of Appeal for Ontario. That appeal is still pending, and therefore I feel that it would be inappropriate for me to comment any further or discuss the particulars of that case, either specifically or hypothetically, at this time.

**Mr Bradley:** You should be in the cabinet with an answer like that. That's usually the type of answer we get from our colleagues in the cabinet. I don't know which riding we can run you in.

**Ms Smout:** I think appearing before this committee is enough for me.

**Mr Bradley:** Thank you kindly. I want to deal as well with the Tenant Protection Act. As you know, this act eased the statutory restrictions on condominium conversions, the destruction or conversion of rental housing

by developers, in order to make way for more profitable condominiums. The city of Toronto in 1999 perceived a major problem with the loss of rental housing and everything being converted. They put in a bylaw that said if the vacancy rate was below 2.5% they would prohibit these conversions. The OMB subsequently struck down this bylaw at the behest of the developer on the grounds it conflicted with the Tenant Protection Act. This decision was criticized by the local city council, by Hamilton city council and by Ottawa city council, who had similar bylaws. This decision was also cited by those critics who argue that the OMB is generally biased in favour of business interests. The city appealed to the courts. On February 20, 2002, the Divisional Court ruled against the OMB. The court upheld the legal right of the city council to pass a bylaw regulating the demolition or conversion of rental apartments, rejecting the OMB's ruling that the impugned bylaw was beyond the municipality's jurisdiction and conflicted with the Tenant Protection Act.

Would you be able to comment on that particular case, your opinion of that?

**1110**

**Ms Smout:** Certainly, Mr Chairman. I believe the member is referring to the decision for the Goldlist Properties case; is that correct?

**Mr Bradley:** Yes, it is.

**Ms Smout:** Thank you. I think first of all, in terms of the particulars of the case, and I'm certainly not here today to offer opinions, my views, with respect to that particular case, should I be successful in obtaining an appointment, it would be inappropriate for me to be offering those comments at this time. But I would say that a quasi-judicial administrative tribunal like the Ontario Municipal Board, for instance, has adjudicators who know that they are bound by higher-court decisions. Certainly it isn't the role of the tribunal to be, in my view, breaking new ground and making new law. Adjudicators are bound by decisions from higher courts such as the Divisional Court or the Court of Appeal or the Supreme Court of Canada. The role of the tribunal and of a member of the Ontario Municipal Board is simply to hear all of the evidence, apply the law correctly and render a fair and impartial decision. As I understand, the Goldlist decision is certainly the state of the law in that area as it exists today.

**Mr Bradley:** Mr Mazzilli would be very disappointed if I didn't ask the question that we classically ask as the opposition, and that is, are you now or have you ever been a member of the Progressive Conservative Party?

**Ms Smout:** Yes, I am.

**Mr Bradley:** OK. I knew you'd be happy if I asked that, Mr Mazzilli. That clarifies some things for me.

The last thing I want to deal with before I turn it over to Mrs Dombrowsky is that there has been a disappearance of agricultural land and environmentally sensitive land in Ontario. In virtually every case I see, the OMB rules in favour of the developer. Certainly in the Oak Ridges moraine they seemed to be pro-development in that particular case. In the town of Pelham there's some

wonderful agricultural land on what is called the Kane, where I think it was 500 acres that were just turned over to development. It should never, never have been done. We're not going to have any agricultural land left in this province, good agricultural land, if that kind of decision continues. So, (a) would you consider yourself to be pro-development in this province, and (b)—I don't know what kind of answer I'm going to get for that—do you think it's important that we preserve agricultural land and not simply turn it all over to development?

**Ms Smout:** I'm going to answer that question in two parts.

Firstly, I think it really isn't appropriate to be discussing my personal opinions in terms of specific issues or case law or the role that the Ontario Municipal Board has played, but certainly as an adjudicator I understand quite clearly and am prepared to execute my duties in the capacity as a fair and impartial adjudicator. That to me means that you would hear all of the evidence that's put before you, weigh all of the evidence, make a finding of fact on that evidence, apply the principles of law to those facts and render a fair and a just decision.

Certainly I think that if you have reviewed my curriculum vitae, and I did attempt to summarize that in some detail earlier in my opening statement, in the almost 14 or 15 years now that I have practised law, I have spent almost half of that time in the private sector and half of that time in the public sector. That for me is a very fortunate opportunity. It's a unique experience simply in that I have acted for and against developers, for and against landowners, ratepayers and ratepayers' associations, municipalities, expropriating authorities, condominium corporations, lenders and mortgagees, and public and private sector corporations as well. So I have been exposed to these issues from different sides of the fence and different points of view and I've had to make arguments and put cases forward from all different aspects. Therefore, I think that goes back to what I said further, that I'm certainly very much in a position to render a very fair and impartial decision.

On the second question, in terms of the position vis-à-vis the agricultural land, again each case has to be looked at based on its own particular circumstances: what are the policies and procedures that are in place for that area or municipality? The adjudication has to be fair and impartial, and I certainly agree with that. I cannot stress that enough here today. Our legal system is built on these principles and everyone is entitled to a fair hearing, so it's certainly the role of the adjudicator to ensure that all of the evidence is heard, that it's heard within the context in which it has been presented and that a finding of fact is rendered that is fair and impartial.

**Mrs Dombrowsky:** How much time have I got?

**The Vice-Chair:** One minute.

**Mrs Dombrowsky:** Very well. Just further to the point you made with regard to Mr Bradley's question, and you failed to see the relevance of your own personal perspective, I think it's very relevant, particularly given that representatives on the Ontario Municipal Board are

not bound by any precedent. You are directed by law, certainly, but there are no previous decisions of your board that you are bound to in terms of precedent that has been set. So I think it's important to understand what your perspectives are personally. That would, in my opinion, have some effect.

If I could just go to the question I had, you are familiar with the term "direct democracy"; you know the kind of situation that it would reference. I'm speaking specifically with regard to the King City case. Are you familiar with the term "direct democracy"?

**Ms Smout:** Yes.

**Mrs Dombrowsky:** Would you be of the mind that a case that would be before you at the Ontario Municipal Board, where there would be an example or a presentation by people within a community in a direct democracy situation—would you dismiss those?

**Ms Smout:** I think I'll address the statement that was made by the member as well as the question, because I think they really go to the same issue. The issue is, what is my personal opinion on a specific subject, and will that have an influence on decisions that I would render as an adjudicator? I think it's very important for this committee and the public to know that although an adjudicator may have an opinion one way or another on an issue, the role of the adjudicator is not to place their personal opinion on those parties that appear before them. The role of the adjudicator is to ensure that the hearing is fair and to ensure that the hearing is impartial. Certainly, if we don't do that, then our whole legal system breaks down. So that is really what adjudicators and judges do for our society and that's the role they have always played.

In terms of direct democracy and certainly groups or individuals or anyone who makes a presentation to the municipal board, it's the role of the board member to ensure, when those members are before the board, that their evidence is heard and that it's listened to very carefully, it's weighed properly, that the decision is rendered considering all the relevant facts, the evidence that has been put before the board, and that the law is applied properly.

**The Vice-Chair:** Thank you. Mr Martin.

**Mr Martin:** Thank you for coming this morning. I have a concern that is somewhat related to the last question, which is your honest admission that you're a card-carrying member of the Progressive Conservative Party. This government obviously has a bias or a bent indicated by the reforms they brought forward to the act of governance of the Ontario Municipal Board, which shifted it dramatically away from some of the approach of the government preceding it, the NDP government, and the fact that a lot of those reforms were driven by municipalities anxious to see development happen, to change the economic fortunes, perhaps, of their communities and to fast-track decisions so that they don't get caught up in the encumbrance of all kinds of regulations that concern themselves with environmental impacts and all those kinds of very important issues.

Given your present job with the municipality of London and given your political connections, how can we be assured here that you don't carry a bias with you that will ultimately affect some of the decisions you will make?

**1120**

**Ms Smout:** When I was called to the bar in 1988 and sworn in as a lawyer and a member of the Law Society of Upper Canada, we took a very strict oath, and we have professional obligations as lawyers—I know that some committee members here today are lawyers—that we are to serve the public and serve our clients properly and in accordance with all of the rules of professional conduct. I take those rules of conduct very seriously; I take the rules with respect to conflict of interest very seriously. I always have.

In my position at the city of London, I may or may not always agree with what my client has requested be done. Certainly as a private practising lawyer I may not always have agreed or disagreed with the direction my client wanted to take. But my job as a lawyer has always been to ensure that I have fulfilled my professional obligation to my client.

As a sitting member of the Ontario Municipal Board, should I be successful in attaining that appointment, I cannot stress enough to this committee how serious that position would be to me; that, as a lawyer, I have the greatest respect for the legal system within our country and our province; and that it is essential that the board's decisions be fair and impartial and be rendered such that anyone who appears before the board has a fair and just hearing. Therefore I would submit to you that neither my role in working for a municipality or, in the past, in having worked in the private sector, or any of my political affiliations, would have any impact on those decisions I would make. Again, I cannot stress enough how seriously I would take that responsibility.

**Mr Martin:** As a member of the Conservative Party, however, do you support the reasoning behind their reforms to this act? Do you agree with what they've done and why they have done it?

**Ms Smout:** Perhaps I could just ask for clarification from the member. I presume you are talking about the amendments to section 3 of the Planning Act. Would that be correct?

**Mr Martin:** The initiatives that the Conservative government brought in which replaced the previous government's Bill 163; that's what I'm referring to.

**Ms Smout:** And, in that regard, the statements "consistent with" or "having regard to" in particular? Is that your specific concern?

**Mr Martin:** Well, Bill 20, the Land Use Planning and Protection Act.

**Ms Smout:** Thank you. Again, I don't think it would be proper for me to speak specifically on what my personal opinion would be on those reforms, given that if I were successful, I would have to adjudicate on those issues that would come before me. Certainly I think that's the way the law is, and if the public isn't satisfied

with that, it's open to them to convince the Legislature that it should be changed. I think the most important role for the board to play is to ensure that the public has a place to be heard and that there is an appeal forum from the municipal decisions so that all evidence can be heard and cases can be dealt with impartially.

**Mr Martin:** OK, but do you have a personal position on Bill 20, and did you in any way participate in the process that took place to actually have Bill 20 implemented?

**Ms Smout:** I'm not aware that I ever spoke with anyone specifically about Bill 20. As a lawyer, I do recall when the reforms were being introduced. When new legislation is on the horizon or is being discussed, we are always required to review that to ensure that we are informed and will be able to advise our clients properly so that they can perform their statutory functions correctly.

I believe the Ontario Bar Association may have made submissions to the government at the time. I was not part of those submissions, but I was certainly a member of the bar association when those submissions would have been made. But I didn't work specifically on them and I didn't appear before any committees or anything in that respect.

**Mr Martin:** Do you have a personal position on Bill 20?

**Ms Smout:** Mr Chairman, I think I've answered that question already and that it really wouldn't be proper for me to be discussing my personal opinion on that section. That's the way the law is today. The Legislature has passed that law, it exists today, and we certainly must work with it and make sure it's applied properly.

**Mr Martin:** I would disagree, in that we're charged here with trying to get a sense of who it is we're appointing to these very public bodies and we need to understand and feel comfortable and confident that we're applying people who, if they have a bias, at least are upfront about it and putting it on the table; or, if they don't, what their personal position might be on some very important aspects of the act that somebody is trying to adjudicate. So be it; that's your answer.

How did you come to apply for this job?

**Ms Smout:** I have known for some time that appointments are available to the Ontario Municipal Board practising in the real property and municipal and land-use planning areas. I've known of other lawyers and other appointments that have been made and I've always had an interest in the board.

I did inquire through Minister Cunningham's office about what the process would be to seek an appointment and I was directed to the Web site that the Public Appointments Secretariat has; there's a wealth of information on the Internet site. Some time ago I submitted my resumé through that office, and I also spoke with Mr Dillon in Mr Wood's office.

**Mr Martin:** Thank you very much.

**Mr Frank Mazzilli (London-Fanshawe):** Thank you very much for appearing. It will be nice to have someone from London represented on the OMB. One thing that I

think is important, and that you've stressed—often we hear at this committee about bodies that are adjudicated whose decisions have been overturned. We don't often hear about a Divisional Court's decision that has been overturned. Of course we don't take part in that, but obviously if the law is applied fairly, as you have said—and you do take some of your direction from case law, from higher bodies, which you must do; if you don't, obviously you risk the chance of your decision being appealed. Is that why you've answered the question that way, that you have to take the precedents set by the higher bodies?

**Ms Smout:** There are really two answers to that question. An administrative tribunal has to hear all of the evidence and weigh that evidence fairly. If you've been to a hearing, you know that it's a fairly extensive and an exhaustive process to ensure that it's done properly. Some decisions are a finding of fact and in some instances there is also law that needs to be applied. If there's an error in law, then the decision that the adjudicator renders is subject to appeal, and that's why it's very important when you're sitting in these positions that you must respect the higher court decisions as they apply to the particular circumstances for the hearing that may be before you.

**Mr Mazzilli:** If you don't respect the higher decisions, then obviously you feel that the position you would take, if it's a personal position—your decision could be overturned.

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**Ms Smout:** Certainly if an adjudicator takes a position that they're not bound by a Divisional Court or a Court of Appeal or a Supreme Court of Canada decision, then there's a possibility, depending on the circumstances, that the decision by that adjudicator could be subject to an appeal; that's correct.

**Mr Mazzilli:** Again, you probably have not looked at the numbers, but as a lawyer generally do you think the OMB decisions are reversed at a higher level any more than, say, a provincial court decision is overturned at a Divisional Court level?

**Ms Smout:** I can't say that I've ever conducted any study in that regard and really don't think I could offer a fair comment in that respect. So I don't really think I could answer that; I'm sorry.

**Mr Mazzilli:** I think you'll be a great contribution to the OMB, so thank you very much for appearing.

**Ms Smout:** Thank you.

**The Vice-Chair:** Any other members have questions?

Thank you very much, Ms Smout; that completes your questioning by the committee.

**Ms Smout:** Thank you very much for the opportunity today.

**The Vice-Chair:** We'll be determining the situation later on after our next appointee is interviewed. Thank you.

## ANDREW WHITE

Review of intended appointment, selected by official opposition party: Andrew White, intended appointee as member, Ontario Media Development Corp.

**The Vice-Chair:** I'd like to move forward and call forward our next intended appointee, Mr Andrew White, intended appointee as a member of the Ontario Media Development Corp. The members of the committee might be interested to know I've just learned that Mr White's wife is due to have a child tomorrow. I'm not sure if it's your first or second, Mr White. He agreed to come forward regardless of that. So if you get a sudden call, we'll understand.

**Mr Wood:** We had better have brief questions.

**The Vice-Chair:** Anyway, congratulations and thank you for being here. Feel free to make a presentation in advance; then we'll begin our questioning with the third party. Welcome, Mr White.

**Mr Andrew White:** Thank you very much, Mr Chair. Thank you again for allowing me to be here today as you consider my proposed appointment to the Ontario Media Development Corp. I'd be pleased to serve the province of Ontario. I consider it a privilege and honour to be considered to do so.

As the Chair identified earlier, my wife and I are expecting our second daughter tomorrow. I happen to have a pager on my belt, and if it goes off, you'll understand.

I grew up in Ridgeway, Ontario, just outside of Fort Erie, Ontario. My wife and I now live in Chippawa, just south of Niagara Falls. I'm currently the founder and owner of Strategy9, an Ontario company specializing in interactive media, Internet development and database marketing services.

I've been involved with computers my entire life. My first job at the age of 13 was teaching computer programming to an adult education class at a local high school.

My career includes a number of different phases. I attended first-year university at the University of Western Ontario and later transferred to the University of Toronto, where I'm quite proud of the fact that I had the pleasure of holding a clipboard as a backup quarterback for the Varsity Blues for a couple of years.

After school, I started my career as a customs inspector at the Peace Bridge in Fort Erie. I quickly moved to Ottawa with Revenue Canada as a business analyst in the electronic commerce division.

I then moved on to Casino Niagara, where I was responsible for designing one of the most successful casino database marketing programs in the industry. I left Casino Niagara in 1999 to pursue broader experience in the greater Toronto area. After holding senior database marketing positions at Union Energy and the ING Direct Bank, I decided to form my own company.

I joined a team of entrepreneurs in Toronto to create an on-line marketplace where all aspects of digital media could converge. We were backed by venture capitalists

just at the end of the crazy dot-com investment phase. We had an idea whose time it appears may not yet have come. We created a marketplace on-line which was called Brainbanx; it was a place where Internet programmers, content providers, audio producers, video producers, game developers, database engineers and buyers and sellers of these services could find each other.

When I left the company a year later, we had over 500 Ontario companies from all across the province in our system. Unfortunately, the market didn't find the need for this service yet, and ultimately Brainbanx had to change its direction.

Now, at my current company, Strategy9, I help other companies use interactive digital media, comprehensive databases and the Internet to better service their customers. Some of my work has been profiled in many off-line and on-line publications, and I've even been included in an American-based book on demographics and database techniques.

We're growing at a tremendous rate, and we now number over 20 people. Although we're in the Niagara area, most of our business comes from the GTA.

I'm confident that my skills and experience will allow me to make a positive contribution to the efforts of the OMDC and I'm honoured to be considered again for this appointment. Thank you.

**The Vice-Chair:** We will begin our questioning with the third party.

**Mr Martin:** Maybe you could begin by explaining to me your understanding of what this corporation does.

**Mr White:** My understanding is brief. I'm not yet involved with the corporation, but my limited research has taught me that the corporation was created to help foster the growth of these industries in Ontario and create a better environment for them to communicate and interact with each other.

**Mr Martin:** I think that's a worthwhile thing to be doing and I don't think anybody around this table would disagree. I brought that up just to mention to the members of the governing party here this morning that their leader, their Premier, is on record in northern Ontario as saying that government shouldn't be in the business of creating and protecting jobs, which really in the end is what this is about, creating and protecting work in this industry, which is so important to our economy.

How did you come about applying for this job? How did it come to your attention?

**Mr White:** I was actually contacted by the minister's office and posed the question if I would be interested in serving in this capacity. That's basically how it happened.

**Mr Martin:** Which minister?

**Mr White:** The Minister of Tourism, Culture and Recreation.

**Mr Martin:** And who would that be?

**Mr White:** Minister Hudak.

**Mr Martin:** Is he your member of Parliament?

**Mr White:** Not where I live in Chippawa, no.

**Mr Martin:** Are you a member of the Conservative Party?

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

**Mr Martin:** So Minister Hudak suggested that this would be a good appointment for you.

**Mr White:** Yes.

**Mr Martin:** Did he explain why he thought that would be?

**Mr White:** Yes, he did. Based on my background and experience on the interactive side, the Internet side of this type of business, he suggested that the board could use more representation from my area of work, my area of expertise, in that I fit the profile of what he was looking for.

**Mr Martin:** Do you think you fit that profile? How do you see your expertise and background helping you determine which companies should and shouldn't get tax credits?

**Mr White:** Well, I don't know much about giving tax credits as I sit here today. My experience with different companies in the interactive media world and digital media I think is rather extensive. I've been working in the Internet business since 1995, which in terms of the industry is fairly lengthy, and I believe I have considerable knowledge in the area.

**The Vice-Chair:** The government members, any questions?

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

**The Vice-Chair:** The official opposition.

**Mr Bradley:** I'm always intrigued by the questions. First of all, Mr Martin asked about your relationship to the Conservative Party and who suggested that you get this job. Your member would be Mr Maves in Chippawa. Did Mr Maves suggest that you apply for this job?

**Mr White:** No, he did not.

**Mr Bradley:** So it was Mr Hudak's office that contacted you. Have you ever done any work politically for either Mr Maves or Mr Hudak?

**Mr White:** Not for Mr Maves, but I have for Mr Hudak.

**Mr Bradley:** Have you ever made a financial contribution to the campaign of either of those individuals?

**Mr White:** Yes, I have.

**Mr Bradley:** I noticed that when you worked in the casino area, there was some marketing you did that would draw people back. The observation of some people is that many of the people who show up at gambling establishments in the province would be better spending their money on their families or on something that would be of value to their families. I know the family-values members of the Conservative Party would probably agree with me on those matters.

Who were you aiming at, when you were in that position, to draw back to the casino time and again to spend their money—hard-earned dollars—at the casino?

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**Mr White:** That's a difficult question to answer specifically, because I don't know any of the customers we were going after. Typically we were looking to

increase business in Niagara by communicating with our best customers.

**Mr Bradley:** To draw them back time and time again?

**Mr White:** To a limited extent, I guess, yes.

**Mr Bradley:** What is your opinion, in terms of competition, of what I call the backdoor casinos; that is, the racetracks that used to be racetracks but now feature slots? Is that competition for the established, well-known casinos such as Niagara Falls and Windsor and Casino Rama? Would you consider that to be competition, and would you consider to be quasi-casinos what exists, for instance, at Fort Erie and Woodbine and other race-tracks?

**Mr White:** There are slot machines at Fort Erie and Woodbine, and there are slot machines at the commercial casinos. I think you could suggest that in a way they're competitive, and in other ways they may not be. They perhaps attract different types of customers.

**Mr Bradley:** I have this theory—I don't want to say "conspiracy theory," because it makes one sound way out—that the Ontario government is sneakily moving toward Internet gambling. Having bled as much money from the desperate, the addicted and others who sometimes show up at gambling establishments and shouldn't, having bled almost all of that out of them, they see yet another way: Internet gambling. I notice you had some experience in Internet endeavours. Do you see a role for the Ontario government in Internet gambling?

**Mr White:** As far as I understand right now, it's not a legal business venture and Ontario's role in it right now is preventing it from happening.

**Mr Bradley:** From your experience, would you say it appears to be a natural evolution that the Ontario Lottery and Gaming Corp would like to make legal what is now illegal and make even more money from gambling?

**Mr White:** I don't know. I haven't really looked at that area from a philosophical point of view. From what I know technically, I don't think the Internet really is there yet for that kind of business to be going on here right now.

**Mr Bradley:** Well, you heard first in this committee my prediction that that's what they are trying to dream up with their whiz kids behind closed doors. Anyway, Mrs Dombrowsky has some questions.

**Mrs Dombrowsky:** I'm curious about some statements you made in answering Mr Martin's questions when he inquired about why you might have been approached to participate on the Ontario Media Development Corp. You responded that it was your sense that it was because of your background and expertise. Yet as I have reviewed your curriculum vitae, I see that you have a rather extensive background in marketing and database support, but I really haven't found anything in your background, even in the area where you talk about "other items of interest" or where you might have indicated some hobbies or personal interests, where you have been particularly interested or had experience in the entertainment field. I guess I'm really wondering what you

believe you will bring to this role from your personal experience.

**Mr White:** I think that in many people's eyes, much of marketing is about entertainment. My three years at Casino Niagara are all about entertainment. Most of my work right now is dealing with clients who are interacting with consumers and generating entertainment-type activity, both on and off the Internet. And I believe my experience with Brainbanx brought me very close to all sorts of companies—over 500 companies—that produce and create this kind of creative digital content in Ontario right now. I think I've been around the industry quite a bit.

**Mrs Dombrowsky:** Then you would know that in recent times that particular industry has experienced declines in the number of productions and in the number of dollars spent. Given your experience in marketing, what would be your ideas to address this decline? What recommendations would you be presenting, as a member of the corporation, to address these declines?

**Mr White:** Not being a member of the board and the corporation right now, I don't think I have enough knowledge to make suggestions on how to do it. As far as business declining, it appears there are many reasons for that, and I don't know that I've been briefed or have studied the situation enough to be able to answer your question.

**Mrs Dombrowsky:** This is a relatively new corporation. What background, what material have you received so far, either on your own or from the government, from the ministry, on the role you will have?

**Mr White:** Very little on the role I would have. I've received press releases concerning the creation of the corporation and documents describing what the role of the corporation is and the different industries and the different tax credits it administers.

**Mrs Dombrowsky:** But you haven't had any more background than that. You know it does replace a body that already existed that did administer the tax credits you've made reference to, but Mr Eves would suggest it is different and that it will do more. Has that distinction been explained to you?

**Mr White:** No, it hasn't.

**Mrs Dombrowsky:** That concludes my questions.

**Mr Bradley:** Is there time for more questions?

**The Vice-Chair:** You've got one more minute, Mr Bradley, if you want to use the time.

**Mr Bradley:** You said you worked on the Fort Erie bridge. What year was that?

**Mr White:** I started there as a summer student during university.

**Mr Bradley:** What year would that be?

**Mr White:** I started in 1987, and I left Revenue Canada in 1994-95.

**Mr Bradley:** You followed in Mr Hudak's footsteps, then. I think he worked on the bridge as well at some period. Either he followed in your footsteps, or you followed in his footsteps.

There are people who say you get jobs on the bridge because of political patronage. I don't believe that, but do you think your support for the Conservative Party had any influence on the fact you were able to obtain that summer employment?

**Mr White:** Absolutely not.

**Mr Bradley:** OK. I just wanted to be satisfied on that.

**Mr Bert Johnson (Perth-Middlesex):** I drove across it.

**Mr Bradley:** There's patronage again.

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

We will now move to the voting process, and I will vacate the chair and return it to Mr Bradley.

**The Chair:** I now put on my neutral hat again and put the right sign in front of me.

We have heard the three individuals—I have a little bit of business after we consider these, which I'll discuss with the committee. We have three individuals who have come before us today for consideration, and I'm going to entertain motions on these.

The first is Robert Shirriff, intended appointee as member, Ontario Securities Commission.

**Mr Wood:** I move concurrence.

**The Chair:** Mr Wood has moved concurrence in this appointment. Any discussion?

All in favour? Opposed? The motion is carried.

The next was Jennifer Anne Smout, intended appointee as member, Ontario Municipal Board.

**Mr Wood:** I move concurrence.

**The Chair:** Mr Wood has moved concurrence. Any discussion? Mr Martin, and then Mrs Dombrowsky.

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**Mr Martin:** I was concerned with the evasiveness of the answers to what I thought were very important questions from both the Liberal members and myself as we tried to develop some level of comfort around this appointment, and the very neutral and unbiased position that we would hope an appointee of this sort would bring to this position.

I don't think you can ever separate your political affiliation and alliance, which in this case, by her own admission, is of the Conservative Party, which is fine; we have no problem with that. But when it then has the potential to interfere with or influence decision-making in an area that is of tremendous significance and very sensitive in the world that we now live in where land becomes more and more valuable, particularly in those areas that it's difficult to put dollars signs on—the environment and our need for good agricultural land, etc—I'm not comfortable enough to vote in favour of this appointment, so on behalf of our caucus I will be voting against it.

**Mrs Dombrowsky:** I too will be unable to support the appointment of Jennifer Anne Smout. I was very disappointed that the intended appointee was, in my opinion, less than forthright. I respect that there were perhaps some questions to which it was appropriate that she would indicate she would not offer an opinion, but when asked about her personal opinion on other matters,

I think the members of this committee do have an obligation to determine the type of person, the mindset and the background they would bring to the role they would have on this very important board.

I know that the intended appointee did reference—I think it's because of her experience as a lawyer—and talk about being governed by laws. We all know as well that in the courts they are especially governed by jurisprudence and legal precedent, which is not the case with the Ontario Municipal Board. As we've read in our background, many decisions at the board may not be consistent with decisions the board has made in the past on matters of a similar nature.

Also, at the Ontario Municipal Board a quorum can consist of one individual, so we have one person who would be able to make a decision that would be before that individual. I think it's very important that we would have some sense of the background, the mindset and the inclinations of an intended appointee.

That Miss Smout was not interested in sharing her personal perspectives on various issues prevents me from being able to support her in her appointment.

**Mr Mazzilli:** I will be supporting the appointment of Jennifer Anne Smout.

I've heard from the opposition that they felt she was being evasive and so on. I think the one thing that has been totally overlooked is that she said that a fair adjudicator should not have any opinions, should conduct a proper hearing, and is bound by higher court decisions, which certainly in her opinion makes a good adjudicator. We don't often think of the consequences of offering personal opinions in these committees, but had she offered personal opinions on all of these issues, if a decision were to be appealed, all the Hansards could come out and that becomes part of the evidence in the appeal.

I think she handled herself quite well and said that what she will do is listen to all sides and apply the law fairly, and if members of this Legislature want to change the law, certainly we have the power to do that, based on what we hear from our constituents. So I will be supporting the appointment on that basis.

**The Chair:** Any other further comment from any member of the committee? If not, I will call the vote.

**Mr Martin:** Recorded vote.

**The Chair:** A recorded vote is requested by Mr Martin.

#### Ayes

Johnson, Mazzilli, Munro, Wood.

#### Nays

Gravelle, Dombrowsky, Martin.

**The Chair:** The motion is carried.

Next is the intended appointee as member of Ontario Media Development Corp, Mr Andrew White.

**Mr Wood:** I move concurrence.

**The Chair:** Mr Wood has moved concurrence in the appointment. Any discussion?

**Mr Martin:** I won't be able to support this appointment either, in that it's another in a series of very obviously political appointments. All of us who have been in government know that we appoint a fair number of people from the various political persuasions in the province. But over the last number of months, as we've sat here and considered people who have been brought before us, designated by the cabinet to sit and oversee some of the public activity of this province, more and more, we detect, I think, an undue influence by government members and the government itself in trying to—looking at the last appointment—overstate their unbiased background, experience and approach to these things when in fact we know that's not the case. The government is trying to move further and further into the actual day-to-day operation of the public services of the province and those bodies that oversee, adjudicate and hand out money on behalf of the government, which I think needs to be less biased than what we're seeing.

A week or so ago, we had an appointment here that was very troublesome even for some members of the government side: somebody who was brought forward by Mr Gilchrist to sit on the Environmental Review Tribunal and ultimately got passed because the government decided they were going to do that. In spite of reservations by some members of the government themselves that maybe it wasn't a good appointment, that happened.

Today we have one appointment that came to us through Mrs Cunningham's office, with some support by Mr Wood and his office. Now we're considering another appointment: somebody who was recommended by the actual minister himself who oversees this piece of public activity to sit on a board that gives out significant amounts of money to support economic development and the creation of jobs in this province. That person being active and having contributed to the campaign of the minister himself I think should run up a red flag for all of us here as we make a decision about that appointment. So I won't be supporting this appointment.

**The Chair:** Any further discussion? If there's no further discussion, I'm going to be calling a vote.

**Mr Martin:** Recorded vote.

**The Chair:** Mr Martin has requested a recorded vote.

#### Ayes

Johnson, Mazzilli, Munro, Wood.

#### Nays

Dombrowsky, Gravelle, Martin.

**The Chair:** The motion is carried.

I should add at this time to Mr White that we as a committee all wish him well in his upcoming family

matters. We wish you very well and the very best of luck and all happiness in the world that will be forthcoming tomorrow, if that's the appropriate date, or later.

That concludes the appointments review.

#### COMMITTEE BUSINESS

**The Chair:** We now move to agency review proposals as the next matter before the committee. I'll ask Mr Gravelle, who put his hand up, to speak to it. Does anyone else wish to speak to this? Mr Martin wishes to speak to it.

**Mr Gravelle:** Thank you very much. Certainly we were given an opportunity to make our case for a review of an agency at this session today. I want to put forward my argument and recommendation that we call forward the community care access centres as an agency review.

I think the function of this committee is most commonly to, obviously, review appointments made by the government. It's an important role, but I think perhaps an equally important role for us, on occasion, is to have the opportunity to bring forward an agency review, particularly so when there have been substantial changes in the way that agency operates. There is no question in my mind, and I hope that the government members agree because it is my understanding we will need their support to have this done, that the whole delivery of health care in our province has obviously changed a great deal. When the community care access centres were first brought forward, I think it was in January 1996 by then-health minister Mr Wilson, we had some concerns as well about how they would operate. I certainly expressed those concerns at the time. The community care access centres I think came into full action mode, so to speak, in January 1998 and in many cases managed to become agencies that were represented strongly by people in their communities, people who were advocating for health care.

#### 1200

It needs to be remembered and I think noted that one of the reasons the government itself has put forward for the establishment of these agencies was that they felt, with the restructuring of the health care system and with the reduction in the number of acute care beds in the system, that home care was going to be very much a solution, an answer, to a lot of the problems. They were going to, as it turns out, move people out of the acute care system more quickly, and I think in some cases that was not a particularly good idea. One would at least hope that a system would be put in place that would actually allow the services to be provided.

What we saw with the community care access centres was that the clientele was very much changing, that as we progressed from 1998 to 1999 to 2000, the needs were changing in terms of the people who were receiving care. People who had been asked to leave, forced out of the hospitals, in fact, were receiving acute care very much through the community care access centre.

There are many concerns related to this that we spoke about in the Legislature, and the government responded in the Legislature, but ultimately what it came down to was that the needs continued to increase and the resources unfortunately didn't keep step with that. I would hope that the government members would agree that it's important for the public, the people of Ontario, to have an opportunity to have a review of the community care access centres done.

In the last I guess almost nine months I recall the first indication that the government was going to be freezing and ultimately cutting back funding for community care access centres and the home care sector. It was in June last year—maybe it was even earlier; maybe it was in late May—that I recall becoming very much aware of that and expressing concerns as a member, as did our leader and our caucus and as did the third party. That's what it became. The public wasn't as aware of it then, but I recall it because, as it turns out, the Premier was going to Thunder Bay—I think it was June 14; I recall the exact day, in fact—and I wrote him and begged him to meet with the CCAC in Thunder Bay, which was expressing great concern about the cutbacks. This has continually fallen on deaf ears, unfortunately. The fact is that the situation became more grim when we hit September and it was clear that there weren't going to be any more funding improvements, despite what I thought was the very clearly demonstrated need in terms of the increased client base and the fact that we had people who needed to receive the services. So this obviously became a major issue.

We were pretty shocked, I think it's fair to say, when the province—the government and the ministers involved, Mr Clement and Mrs Johns—basically did not like having the community care access centres, the members of the board and the agency and sometimes the executive directors, expressing concerns themselves, and I think as a result of that we got the Community Care Access Corporations Act, which was forced through the Legislature in mid-December, which basically gave the government complete control of the corporations and was a means of trying to blunt any dissent.

Regardless, the government's response has always been, "Look, you shouldn't be complaining. We've done a great deal. We've put lots of money into this," and I'm sure that will be the response again. My point in asking for this is really, quite frankly, in some way to take the politics out of it. I think it's important that we assess what has happened, that we take a look at what happened in the past and that we have an opportunity to look at the organization in terms of the changes they've gone through and the new structure that's in place. Certainly we've expressed concern about the fact that the new members of the board and the executive directors are appointed by the government and in many cases are appointed for a period of time that doesn't allow them to be called forward by this committee. In fact, no certificates have been issued for us to see. So that has been a real frustration.

Having said that, I think the real issue here is, let's look at the agencies and see how they run, what challenges they've had, what their needs are. I think we need to call former executive directors and former board members. I'm interested by the fact, certainly in Thunder Bay, for example, that the former chair of the board, Mr Don Murrell, who is a wonderful gentleman, has accepted the responsibility of being the new chair of the board. I shouldn't speak for him—I was pleased that he accepted that—but I would be interested in having his perspective as a former chair and as the present chair.

I think it's the responsibility of all of us here who are members of this committee to allow that to happen. I think the public deserves to have some insight into what has happened. That's why I would be calling for the agency review and, specifically, I would be happy to call forward the District of Thunder Bay Community Care Access Centre. I have spoken to enough people on the government side who have indicated a number of things about it that I'd like to talk to them about as well. So that would be one. I know we've talked about the Sudbury Community Care Access Centre as well, another good one to call.

I would like to make my plea to the government members to see this as being a responsible thing for us to do, something that needs to happen and a review which hopefully will give us some answers to a lot of the questions and concerns we've had for some time.

**Mr Martin:** I'm not going to be too long, just to say that from the work Mr Pond, the legislative researcher, has done—and I want to thank him for doing a very good and concise job, giving us all the relevant information that we need—it's incumbent on us, given the significant change that has happened in the delivery of this very important service to literally hundreds and hundreds of people across the province in all of our constituencies, that we review at least a couple of these agencies to get a sense of what's going on, how this is evolving and why, and if it's in keeping with the overwhelming public feeling out there that health care be provided to citizens wherever they live in a way that reflects access and convenience and no level of financial hardship on them.

Having said that, I certainly would support Mr Gravelle's suggestion and, when I'm finished, I will put a motion forward that the committee consider reviewing a number of the community care access centre agencies once the House has come back, because I think we're governed by the rules, the orders that govern this place. I hope the Conservative members, in keeping with the way this committee has always worked, would agree that when any one of the caucuses brings forward a request to review an agency, we should all co-operate and do that.

The other, more important, piece of activity here is what is now presenting as the government's—I don't know what the heck they're doing—skirting around a long-standing process in this place where, as Lieutenant Governor in Council, you make an appointment, there's a certificate issued and we get to review whomever we choose to bring before this committee to see why that

appointment was made, to see if those people are appropriate. At one point it was suggested that the reason those certificates weren't coming forward was because they were for a year or less, but from the research that was done by legislative research, we're told that that isn't necessarily so, that the appointments were actually for a year to three years.

Anyone looking at this information must agree that we now have a different organization in place here. Where before we had a board of directors nominated and brought forward representing their communities, those boards, the membership of which elected their chair and vice-chair, have been changed now to a more corporate structure, where the Lieutenant Governor in Council appoints all members of the boards of directors as well as the executive directors of the centres, and a number of the members on each board are at the government's discretion, and then the cabinet designates the chair and the vice-chair. So this is no different now than a whole lot of other agencies, boards and commissions that this government appoints people to and oversees and regulates.

1210

It seems to me that we need to challenge the government, as a committee, so that we can do our work, as charged in the orders in council, to review appointments. There's nothing now, if these appointments are being made to run from anywhere from a year to three years, to get in the way of our requesting that. So could I ask the Chair, perhaps with some advice from the clerk, if in fact it's appropriate for us to send a message to the government, to cabinet, that now, in making these appointments, because they are Lieutenant Governor in Council appointments, they issue certificates and we have access to those so we can call people forward. I'll wait to see if I get an answer on that. I'm not quite finished yet.

**The Chair:** I will read some relevant material here that says, "The starting place for the government agencies committee is the certificate it receives from the Public Appointments Secretariat. It does not ferret out appointments that should have been referred but weren't. Likewise, there is no way that a Speaker could possibly be in a position to determine which intended appointments should or should not be referred to the committee." That was April 30, 1997, Speaker Stockwell's decision.

**Mr Wood:** I just want to comment on that. I think that's a fair interpretation of the standing orders of the House, but if there is an appointment that comes to the attention of any member of the House that appears to contravene the rules, I would certainly like to hear about it because I would like to pursue it.

The standing orders, as I understand it, require a certificate to be given to this committee, where a certificate is required, and the appointment cannot be given to the Lieutenant Governor until the committee process has happened. So if any member is aware of a situation where that hasn't happened, I'd certainly be interested in knowing about it.

**Mr Martin:** Mr Chair, in response to your comments, that statement was made back in 1997, which was before the new bill that was passed and brought into being—

**The Chair:** The bill referring to the CCACs?

**Mr Martin:** Yes, that's right. He was referring to appointments under a different regime where they weren't Lieutenant Governor in Council appointments. Mr Wood, we have a completely different scenario here, where now we have appointments being made by cabinet through the Lieutenant Governor as orders in council, and why those aren't being forwarded to the appointments secretariat for certificate and then brought to us is beyond me. I think the ruling being referenced here is now invalid and we should be asking for another ruling. We should be going forward to wherever, and I am at somebody's direction here, to impress upon the government—and I agree with you here, Mr Wood—that we have in fact a circumstance where the rights of members are being circumvented because we're not getting the certificates that should actually be coming forward, because these are obviously now appointments by the Lieutenant Governor in Council.

**Mr Wood:** If I could clarify my comments, to the best of my knowledge the standing orders are being followed. I'm inviting any citizen of this province who believes there's been a case where the standing orders haven't been followed to tell me about it, because I'd be interested in knowing and I will pursue that. As far as I know, the standing orders are being followed. I think the ruling of the Speaker is correct and is binding on the committee.

**Mr Martin:** In my view, they're not being followed and I would ask for direction.

**Mr Wood:** Give me the details. You don't have to do it now, but tell me where the standing orders are not being complied with. Give me an instance.

**Mr Martin:** You obviously have the Lieutenant Governor in Council appointing members to the boards of directors, as well as the executive directors of these centres. Isn't that how other certificates wend their way to this committee?

**Mr Wood:** Give me an instance where an appointment has been made and the standing orders haven't been followed. Tell me the name.

**Mr Martin:** All of the appointments that have been made so far under this new bill to the CCACs, whether they be members or executive directors, are in contravention, in my view, with the standing orders, which is that all appointments by the Lieutenant Governor in Council come under the purview of review by this committee.

**Mr Wood:** No, they don't.

**Mr Gravelle:** We certainly have gone through this a couple of times. It's very frustrating, but it seems to me the standing orders, which we may or may not like, say that if the appointment is for a year less a day, then there is no need to provide a certificate. Is that correct, Mr Clerk? But what seems to be in contention as a result of some of the material is the possibility, Mr Wood, that some of the appointees have been for more than that year.

That would suggest it would contravene the standing orders.

I don't know. I think it would be fair to ask you if you could pursue that with the appropriate people to see whether any of the appointments have been made for more than a year. It seems to me, based on my understanding, that that would contravene the standing orders, because the standing orders make it clear that if it's more than a year, a certificate should be coming forward to the committee. Yet there seems to be a suggestion that that may be happening, Mr Martin, and indeed some people are being appointed for more than a year.

**Mr Martin:** It says the appointments are to be for one to three years.

**Mr Gravelle:** That's right.

**Mr Martin:** That's being disrespectful of all of us here.

**Mr Gravelle:** That's what we need to find out. Rather than you suggesting to us that we know the name—I'll certainly do my research as well, but I think it would be fair for us to ask if you would ask whether or not any of the appointments are for beyond a year. If so, that would be something that we should all be concerned about.

**Mr Wood:** I am aware of no contravention of the standing orders.

**Mr Gravelle:** I know you aren't; I appreciate that.

**Mr Wood:** I invite those who think they might be to tell me about it, and I'll see what I can do about it.

**Mr Gravelle:** But don't you think it's fair for us to ask you, as the whip for the government in terms of this, to at least ask that question of the people who are making the appointments? As I say, we'll do our work and we'll try to find that out, if that's the case. But I don't think it's inappropriate for you to check to see whether or not indeed some of the appointments are beyond that one-year period of time.

**Mr Wood:** I will see what I can find out.

**The Chair:** Mr Wood has agreed to see what he can find out. I'm going to ask the clerk to add any comments he deems appropriate in this particular case, and then I'll go to Mrs Dombrowsky.

**Clerk of the Committee (Mr Tom Prins):** The standing order governing this committee is 106(e). I think the little section we were discussing, which has maybe been brought up a few times, is saying that the committee can look at intended appointees "excluding re-appointments and appointments for a term of one year or less."

**The Chair:** The matter of contention that we have before us is the matter which members have drawn to the attention of the committee, and that is that in fact some of the appointments in regard to the CCACs are one to three years and not necessarily one year. I have listened to the debate and Mr Wood has agreed that he will try to determine what he will try to determine, and that is whether indeed there is a contravention, if I'm reading it correctly; whether there are any appointments out there that are being contravened. He has no more access, probably—or he may have more access; I don't know that—than any other member. Mr Wood has also invited

members of the public or members of the Legislature to direct correspondence or to make inquiries of the government or to level a charge, I guess, if we want to say that.

**Mr Wood:** Give me a name, if you'll pardon the way of putting it. I need a name of an appointment that contravenes the standing orders.

**The Chair:** That would lead me to believe that if any member of this committee, for instance, happens to know someone who was appointed recently to one of the CCACs in the province and that particular appointment contravenes the rules that we have before us in that it is for a period of longer than a year and would appear to fall within the purview of the appointments that would come before this committee, that should be drawn to Mr Wood's attention. He has kindly agreed that he will pursue that if one can provide him with that specific name.

Also, there is an avenue for others on the committee or elsewhere to direct correspondence to the Premier, to the cabinet secretary, to the secretary of appointments, to the minister, to whomever a member of the committee deems appropriate to send it to.

#### 1220

I have read Speaker Stockwell's decision, and while I recognize that it is previous to this bill passing the House, it nevertheless seems to govern this committee. I think most members are probably aware of it, but I want to perhaps read a little more of it to us so it puts it in context of what we're talking about.

The Speaker said as follows—and this was on April 30, 1997—"Yesterday the member for Dovercourt, Mr Silipo, raised a point of order with respect to standing order 106(g) concerning the referral of intended appointments to the standing committee on government agencies. The member suggested that certificates of intended appointments to the transition team and the financial advisory board provided for in the City of Toronto Act, 1997, should have been referred to the government agencies committee.

"The member for Dovercourt may in fact be correct. It may be that these two bodies are defined as agencies, boards or commissions, and that intended appointments to them are subject to committee review. However, there is no way that I as Speaker can make that determination.

"As the Minister of Municipal Affairs and the government House leader stated yesterday, there are numerous examples on the record of appointments made without referral to the government agencies committee. The fact is that the government defines what is an agency, board or commission, and it is the government that knows of its own intent to make an appointment. The starting place for the government agencies committee is the certificate it receives from the Public Appointments Secretariat. It does not ferret out appointments that should have been referred but weren't. Likewise, there is no way that a Speaker could possibly be in a position to determine which intended appointments should or should not be

referred to the committee. Therefore, I don't find your particular point of order in order."

Now, the decision of the Speaker may have pleased some, may not have pleased others; it may have left others in a neutral position. That was the decision of the Speaker on April 30, 1997. Whether members of this committee like it or not, it appears from this, the Speaker's ruling, that the government in fact determines which appointments it is going to send to this committee.

Members of this committee, however, have a belief that some of the appointments might well fall within the purview of this committee. What we're trying to determine now is how best to have those appointments come before the committee, and each one of us has the opportunity as a member of the committee to communicate on our own, or the committee can communicate in general.

Mr Wood as a government member of the committee has given an undertaking, as we understand it, to look into any appointment of a specific individual that a member may allege should fall within the purview of this committee, and he is prepared to pursue that. As I've already indicated, each member of this committee also has an opportunity to communicate in some way with the Public Appointments Secretariat, or others that I have mentioned previously, concerning this matter.

That appears to be where we are. I'm interested in any further comment, however. I have Mr Gravelle and Mrs Dombrowsky.

**Mrs Dombrowsky:** I would like to speak to Mr Gravelle's initial statement.

**Mr Gravelle:** May I say, Mr Chair, there's no question that what we are discussing now is ultimately one of the reasons why we are very clearly thinking that a way to deal with this is to have an agency review. Obviously we'll do our work to try and determine whether some of the things that have happened have happened or not, but that's why I think it's so important—because it appears we're not able at this stage to bring them forward—that an agency review makes a great deal of sense. I do hope the government members acknowledge that and agree that indeed it would be good for all parties in the Legislature and the public in general to have an opportunity to see how the agencies are working. In that it appears so far that we don't have an opportunity to call forward any appointees to the new corporations, then I would hope that would just give all members of all parties more reason to support the proposal.

**Mrs Dombrowsky:** Yes, I would like to support Mr Gravelle's request for this committee to review community care access corporations, as I believe it is an issue of accountability.

We have now 41 newly established agencies, corporations within the province of Ontario, which are made up of people who have been appointed by the government, and there is some question about whether those individuals will even as much as have a job interview, if there will not be a certificate issued and they will not appear before this committee.

We are talking about 41 newly formed agencies which will be responsible for the management of upwards of \$1.2 billion of taxpayers' money, and I think it is extremely appropriate that there would be a body or a group of people from all parties who have an opportunity to review the operations, the priorities of these newly formed agencies. I'm sure members of the government, certainly members of all parties of this Legislature, will recognize the number of calls that come to us as individual members of the Legislature around the services that are provided or perhaps are not provided by these agencies within our communities.

It is important that we would have the opportunity to understand how the corporations set their priorities; how they receive their funds; if there are shortfalls, how they are compensated for, how cuts are made. It would be important for us to have this information so that it is a matter of public record and so that people within Ontario have an understanding as well. It's taken over five years for people to understand the role of community care access centres. With the passage of the most recent bill in December, there's a question about how services will continue to be administered.

In my opinion, this is about accountability, and I support Mr Gravelle's request that this committee would have community care access corporations come to tell us about how they will be managing upwards of \$1.2 billion of taxpayers' money.

**Mr Wood:** What I'd like to suggest, Mr Chair, is this. The government members would like to digest the various comments that have been made by the opposition members, with a view to possibly drafting a motion for the consideration of the committee at the next meeting. I'd like to suggest this matter be put on again for consideration at our next meeting, with a view to then taking a look at actual motions. There may be some interest in our motion if we choose to put one forward; other members may wish to put motions forward. But I wonder if it would be a good idea to consider them all at one time with a view to a decision coming out of that meeting.

**The Chair:** Comments from any members of the committee in regard to that suggestion?

**Mr Gravelle:** If what you're suggesting to us is that you're likely to support via motion some measure of review if we manage to put it off to the next meeting, if you're making that suggestion, I'd be curious to know that is the case, because obviously I'd love to get some sense as to whether there is agreement that indeed we should be bringing forward agencies.

Am I right, Mr Clerk, that if the government says no, this thing could stop right here, in other words? I do want this to go forward and I'm sure—

**Mr Wood:** If we were going to do that, we'd do it right now.

**Mrs Dombrowsky:** I support what Mr Wood has proposed.

**Mr Gravelle:** OK. Based on that, I think I support it as well.

**The Chair:** Mrs Dombrowsky has supported Mr Wood's suggestion. Mr Martin?

**Mr Martin:** Given that we won't be able to review these agencies until the House comes back anyway, because those are the rules we're living under, I'm certainly more than happy to allow the government members time to digest and come forward with some suggestions, and we can bring our own suggestions forward. But I think it's also incumbent on all of us to try to figure out how we get the government to do the right thing here.

Mrs Dombrowsky is absolutely correct when she says it's a question of accountability. These boards are not only administering a significant amount of money but they're overseeing delivery of public services that are of very delicate, severe and critical concern to literally millions of people across this province. So hopefully we will at the next meeting come to some resolution on this so that we can hold this government accountable and use the vehicles that we have here, however limited they may be, to actually dig into some of these things.

**The Chair:** Any other comments?

**Mr Wood:** I would like to move that this be put on the agenda for the next meeting of the committee.

**The Chair:** We have a motion from Mr Wood that this matter be put on the next agenda. Any discussion? All in favour? Opposed? The motion is carried.

We have the matter of future meetings and any needed extensions. I know this can be something done by the subcommittee. Let me throw out a date for members of this committee now to see if perhaps it is acceptable. We ordinarily have met on Wednesday; today is a Tuesday. Is Wednesday, April 3, out of the question for people or not?

**Mr Gravelle:** After Easter. That sounds good to me.

**The Chair:** That's after Easter. It gives the research department an opportunity, it gives Mr Pond an oppor-

tunity, to gather the material together for us, and it gives us a couple of weeks. If it's an acceptable date, we may be able to proceed with that date.

**Mr Martin:** I was thinking maybe this Saturday.

**Mrs Dombrowsky:** In Sault Ste Marie.

**Mr Martin:** Sure, we'll do it in the Soo.

**The Chair:** The suggestion of this Saturday does not appear to meet with the—

**Mr Wood:** Or before 8 in the morning, if you want.

**The Chair:** "Before 8 in the morning," says Mr Wood. Any other comments?

**Mr Gravelle:** April 3 certainly works for me. Then we'd be back on schedule. I think we have a lot of appointees.

**The Chair:** There are quite a few appointments, so it would be an all-day session, unless we went to two. What I have heard from members of this committee, if I interpret it correctly, is that members prefer to try to do it in one day, if they can, as opposed to setting up two different days. So we have a consensus for April 3 as the next meeting, at 10 am.

What about extensions, Mr Clerk? Are there any problems with extensions at all?

**Clerk of the Committee:** If we can manage to schedule all the people on the 3rd, we don't need an extension. But if one of them can't—

**Mr Wood:** We'll deal with extensions if we have to.

**The Chair:** Thank you, Mr Wood, for your co-operation in that matter. So the meeting will be April 3 at 10 am. We will have the intended appointees before us at that time.

Any further business for the committee? If not, I'll accept a motion of adjournment. Mr Martin has moved a motion of adjournment. All in favour? The motion is carried.

*The committee adjourned at 1232.*







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