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**Official Report
of Debates
(Hansard)**

Wednesday 18 June 2003

**Journal
des débats
(Hansard)**

Mercredi 18 juin 2003

**Standing committee on
government agencies**

Intended appointments

**Comité permanent des
organismes gouvernementaux**

Nominations prévues

Chair: James J. Bradley
Clerk: Anne Stokes

Président : James J. Bradley
Greffière : Anne Stokes

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Wednesday 18 June 2003

Mercredi 18 juin 2003

The committee met at 1006 in room 151.

SUBCOMMITTEE REPORT

The Chair (Mr James J. Bradley): I'd like to call the meeting to order. If Mr Martin is not present at the time, I will start with the Conservatives and go in rotation. That way it'll work out.

The first item of business is a report of the subcommittee on committee business, dated Thursday, June 12, 2003.

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

The Chair: Mr Wood has moved its adoption. Any discussion?

If not, all in favour? Opposed?

The motion is carried.

INTENDED APPOINTMENTS

JAMES CHESTNUTT

Review of intended appointment, selected by official opposition party: James Chestnutt, intended appointee as member, Council of the Registered Insurance Brokers of Ontario, complaints committee and discipline committee.

The Chair: We'll begin our appointments review with Mr James Chestnutt, intended appointee. Sir, you may come forward. Please have a seat. As you have been informed, you have an opportunity to make an initial statement if you choose to do so. Subsequent to that, there will be questions from any members of the committee who have questions for you, in rotation. Welcome.

Mr James Chestnutt: Thank you very much for allowing me the opportunity to make a brief opening statement.

I thought I would tell you a little bit about my history. I have had a wide-ranging career serving the public for 40 years with the T. Eaton Co in merchandising and store operations, including being general manager of the Toronto stores and the flagship Toronto Eaton Centre. I was also the general manager of market development and strategic alliances, which allowed me to develop partnerships with our Canadian supply base. I was also the general manager of woman's fashions for the T. Eaton Co of Canada.

In my later years at the T. Eaton Co, I began the process of creating a learning organization to train future merchants to help raise the profile of retailing as a profession. I had the opportunity to develop a Bachelor

of Commerce in retail management at Ryerson Polytechnic University, as well as establishing the Eaton chair in retailing at Ryerson. I also had the opportunity to develop retail standards and a certification process for both sales associates and first-level managers. I continue to speak at universities, when I'm asked, to the up-and-coming students.

I was born in downtown Toronto. I am married and have two chosen sons. One is attending Ryerson in the Bachelor of Commerce program, and the other is at Humber College taking professional golf course management.

I believe my early upbringing in downtown Toronto has really influenced my active role in community affairs and serving the public. I sit on the board of the Yonge Street Mission. I've sat on that board since 1976. I am the vice-chair of Genesis Place homes, which is a non-profit housing complex. I chair the tenant appeal board of Genesis Place. I'm chairman of the board of the Elmer Iseler Singers. For the last six years, I've had the privilege and opportunity of sitting on the board of directors of the Registered Insurance Brokers of Ontario, and sitting on the subcommittees of the qualification and registration committee and the professional development committee. I had the privilege of chairing the administration and finance committee as well. For the last two years, I've served on the complaints committee as a public member and currently sit on the discipline committee as a public member.

I've also had the opportunity of serving the public by sitting on the Financial Services Commission of Ontario's consumer advisory committee, which represents the public. I believe one has to be an active spokesperson for the consumer in ensuring that his or her rights are always found up front and transparent in any deliberations.

During the last five years, since Eatons filed for CCAA, I have worked on behalf of the former employees of the T. Eaton Co to ensure that their pensions were shared equally. I also had the opportunity of working with both the provincial government and the federal government in developing a training program for those employees who were between positions. A lot of the employees worked for Eatons for many years and did not know how to fill out resumés and so forth, and I had the opportunity of developing that program.

You'll probably ask me why I would like to continue to serve as a public member. At a recent board meeting I

had indicated to the board that I would be stepping down as a board member, unfortunately, as I could not serve any longer than my appointed six years. As a result of that, the board members asked the chief operating officer, Jeff Bear, if he might approach the standing committee to see whether I would be allowed to continue to serve the public on those two committees. That's why I'm here today to seek your permission to continue to serve the public on the discipline and complaints committees.

Thank you very much for giving me this opportunity to chat with you during these opening remarks.

The Chair: Thank you very much, sir. We will commence the questioning with the New Democratic Party, the third party.

Mr Tony Martin (Sault Ste Marie): Good morning.

Mr Chestnutt: Good morning, Mr Martin.

Mr Martin: There's no question as to your background, having spent a number of years on the board already and your knowledge of what the work will entail.

The only thing I'd like to query is your take on what's happening out there today where insurance in general is concerned. I don't think there's a member in this place who hasn't been inundated by calls from constituents concerned about the rising cost of their insurance and in some instances not being able to get insurance because of the new approach, regulations or attitude the industry seems to be taking. What's your take on that? What's going on?

Mr Chestnutt: Mr Martin, as you know, I'm a public member on a self-regulatory body and I'm really regulating insurance brokers. However, I do have a personal opinion and I don't mind sharing it with you, Mr Martin.

Mr Martin: Yes, that's what I'm asking.

Mr Chestnutt: There's no doubt today that consumers are facing unbelievable rising pressures on their insurance rates. While I'm certainly not an insurance expert—I've never been in the field in my life other than the six years I've served on the board—I have followed what's been happening in the newspapers. I recently read a Star editorial, and of course they drew a comparison between Ontario insurance bodies and Manitoba insurance companies.

Interestingly enough, there are two major pressures that I think are at play here. I guess number one is that the claims insurance companies all across the country are facing are regulated to about \$50,000 in Manitoba, whereas the claims can go as high as \$6 million when there's an accident, loss of life and limb and so forth.

I know there's certainly a lot of pressure to have the insurance industry controlled by the government. But at this stage, anyway, based on what I've read with regard to what is happening in Manitoba, it doesn't seem to be the right approach, because I don't feel the consumer would be properly and fully looked after. That's only from what I've read in the papers.

However, there's another problem with the brokers. The brokers are really facing tremendous pressures by the insurance companies to get rid of their bad—if you want to call them “bad”—clients. But as you know,

everybody's entitled to insurance in this province and it's up to us, the board and I, to make sure that the brokers are finding insurance for the public that wants insurance.

Mr Martin: How would a broker define a bad client?

Mr Chestnutt: The broker doesn't define the bad client; it's the insurance companies.

Mr Martin: When they make the decision to, say, cut somebody off or shift them over someplace else, what—

Mr Chestnutt: They talk about accidents, they talk about speeding tickets. If an individual is applying for insurance and has had a number of speeding tickets or has had a number of accidents, the insurance companies look upon them as bad risks.

Mr Martin: And the kind of thing you would see before you as a member of this board on a regular basis about brokers would be what? What kind of complaint would you get from consumers?

Mr Chestnutt: There are a number of different types of complaints, but I guess probably one of the major ones that I keep seeing—I wouldn't say it's the number one but it's certainly the largest—is where the broker has used their trust fund monies, which they shouldn't have, because those trust monies belong to the insurance company.

Mr Martin: So the complaint would not be so much from the consumer as from the industry itself about the broker using trust fund monies?

Mr Chestnutt: What happens is that we have investigators who go to all the brokers every three years and do spot checks. They look at the books to ensure that those trust monies are properly administered.

Mr Martin: What about the consumer? What kind of complaints would you get from the consumer?

Mr Chestnutt: We get complaints from the consumer where the broker has back-dated an insurance policy, which they obviously are not supposed to do. We get complaints from citizens with regard to extra fees that they're charging. Just recently there was a whole series of extra fees that were being charged to write an insurance policy. In other words, every time a consumer made a phone call they were charged a fee. But these fees have to be up front and disclosed prior to any fee being charged.

Mr Martin: So in your role, would you see yourself as a watchdog for the consumer or for the industry itself?

Mr Chestnutt: Very much for the consumer. I am a strong believer that the consumer has to be protected, whether it's my role on the board or on the committee.

1020

Mr Martin: And the lion's share of the misconduct that was found where brokers are concerned would be where, in what area?

Mr Chestnutt: Could you repeat that? I'm not quite following.

Mr Martin: The lion's share of the complaints and the finding of guilt on the part of brokers: what would be the area—

Mr Chestnutt: There's a whole series where the broker knows that the individual has had an accident and

it's not put down on the application when the policy has been put in and advises the client not to put it in. There is a whole series of different things and you have to look at them all.

Mr Martin: OK. That's all the questions I have.

Mr Chestnutt: Thank you very much, Mr Martin.

The Chair: We now move to the government.

Mr Bert Johnson (Perth-Middlesex): It wasn't so much a question that I had for Mr Chestnutt but a comment. I wanted him to know a couple things. One is that I have been in the insurance business just a little over 40 years, both as a company representative employee and a broker. I guess I admire what Mr Chestnutt is supposed to bring to the table, and that is a lot of patience, a lot of wisdom and a lot of good decision-making.

My experience goes back to, I think, about March of 1963. I started with a very large insurance company, and I've gone through a lot of the cycles that insurers in the province of Ontario—I can remember, for instance, back in maybe about 1965, writing part of the standard automobile insurance that deal with, at that time, when we went from the name “perils of comprehensive and collision” into an all-perils and so on. I wrote that section for the standard automobile policy for the superintendent of insurance at the time.

Then I developed a lot of background in taking the Insurance Institute courses at the time. I think it was about 1969 when I finished the courses and became a fellow of the Insurance Institute of Ontario by examination. I was quite proud of that.

The Chair: You were just out of your teenage years then.

Mr Johnson: Exactly; almost out of kindergarten, I would say. Eventually that worked into a community college course with the background and so on, and it's very much a standard now in the industry for specialized brokers, adjusters, insurance personnel and the whole thing.

I can recall, I guess in the 1970s, almost a similar situation where insurance companies didn't want to underwrite money. You realize that insurance is a money business—really, that's all it is—and it depends on circumstances. One of the worst circumstances was the stock market on December 31, because all insurance companies took their financial strength or weakness on that exact date for the prior year and for the next year. Insurance companies have to have a lot of money. People said to me when I was a broker and they had complaints, “That greedy insurance company would take all my premiums and won't give me anything.” I'd say, “Well, do you want to deal with an insurance company that doesn't have much money, that's kind of on the brink?” “Oh no, no. I don't want to deal with them. I want them to have it but I don't want them to make it off of me. I want them to make it off of Bruce Crozier and other people like that.”

So it's a peculiar business. I hear stories now about one big insurance company and they want to cut their business by 30%. At the same time, their rates are going

up about 20%. So in essence they are going to have to cut off half of their clients. Mr Martin asked, rightly so, how they make those kinds of decisions. What most of them do is go to their brokers and say, “We're making more money on Mr Crozier than we are on Mr Martin. So, Mr Martin, from now on we're not going to write any business for you. You're gone. You deal with other companies.” Companies rationalize how they get rid of people, get rid of problems, based on money. I don't know if that helps explain anything or not, but I've gone through those cycles—and more than once—where I had insurance companies come to me and say, “Bert, we won't write for you any more. Goodbye.” It gives a broker a real problem, because his choice of where he puts his clients, who he recommends to his clients, is devastating.

I guess I'm awfully glad I'm not in the brokerage business any more. I'm not sure I'm not glad I'm in the insurance business, because there are a lot of different aspects to insurance. At one time, I did all of the facultative reinsurance for Co-operators and a lot of their treaty reinsurance. I can recall the episode in—now, if I'm going on too long, let me know.

The Chair: No, you're not. I can't see the clock.

Mr Johnson: One of the reasons I'm saying this is because I remember Mr Wettlaufer standing in the House and saying that he knew more about insurance than anybody else there. I was in the chair, so I couldn't argue with him.

Interjection.

Mr Johnson: Exactly. But I've told him since that I disagree with that.

I recall, for instance, the kids on the motorbikes in Brampton who had a bad accident, a terrible accident, but they were trespassers. Anyway, there was a large settlement that came out in the lower courts. I can remember talking to a reinsurance syndicate at Lloyd's of London the next day, and he said, “Bert, we can handle this for you, but we don't know how much it will cost you. It may be twice as much as it was the day before.” I protested and the whole thing, and he said, “Well, we'll let you know.” But that's it.

What I'm suggesting is that a ripple like that one accident in Brampton, Ontario, rippled halfway around the world into the largest, at that time, reinsurance market in the world, and just had a shuddering effect on the insurance market at that time.

We haven't had any one thing that has come up within this last few—but I have to say one other thing. I also recall in the 1970s when automobile insurance in Ontario became compulsory. I can recall a lot of angst within the insurance business. At that time New York state had compulsory automobile insurance and they had between 12% and 15% uninsured motorists. People didn't have insurance in New York state, even though it was compulsory. In Ontario at that same time, we had about 2.5% who didn't have insurance when it wasn't compulsory. It seemed to be an awfully backward move to make automobile insurance compulsory in Ontario when we

were likely to move toward a higher uninsured rate than we already had—dramatically higher.

I guess what I'm saying is I wanted to thank you ever so much for offering your services to the Council of the Registered Insurance Brokers of Ontario, in that complaints committee. It's an awfully important job. I'm ever so glad that you're here to help the province of Ontario with that duty. Thank you ever so much.

Mr Chestnutt: Thank you very much.

The Chair: Thank you very much, Mr Johnson. There's a great advantage to looking this way. I can't see the clock. You see, when I look this way—

Mr Johnson: I'm sorry to take the other caucus's time.

The Chair: We learn an awful lot in this committee, and not all of it comes from the people who appear before the committee. Some of it comes from members of the committee as well.

Mr Johnson: My apologies.

The Chair: No, we appreciate your intervention very much, Mr Johnson. It's timely and most interesting. Now we'll move to the official opposition.

Mr Bruce Crozier (Essex): Good morning, Mr Chestnutt, and welcome.

You said that you appreciated the opportunity to come and talk to us this morning. I was pleased to hear that, because our side of the room requested that you be here. It's because automobile insurance in particular, the insurance market in general, is one of the top items of the day. I appreciated the comments you made to Mr Martin's questions and I appreciate your patience in listening to the learned Mr Johnson, because I agree with a great deal of what he said as well.

1030

You pointed out in your answer how brokers have a great deal of angst in the market today because of company underwriting rules and because of what companies are doing to protect their capital markets. We had an opposition day on insurance just a week ago and it was the brokers that I spoke about, because in some instances they are the innocent persons in the middle of this thing.

Do you expect, with your six years of experience on the board, to see a rise in complaints against brokers, both justified and unjustified, as a result of the conditions of the market?

Mr Chestnutt: I think, Mr Crozier, because of the rising rates there are going to be complaints. As you probably know, not all that long ago a company by the name of Markham General went under. To be quite honest, we had a whole series of complaints as a result of that company going under. My philosophy was that it was the responsibility of the brokers and Markham General to ensure that the clients Markham General had were serviced by finding another broker to help those clients find insurance.

During these turbulent times in the insurance business, I wouldn't hesitate to guess that there are going to be a lot of complaints. I'm not trying to be an advocate for brokers, but I think the citizens of Ontario are well served

by brokers. Brokers have a responsibility to find the most reasonably priced insurance, not just from the two or three companies they might represent. As you know, an agent only has one company; if you're working for State Farm, you work for State Farm, but a broker has the responsibility to go out and find insurance, where there's a problem. With the prices going up, while 20% might not seem much, it would be a lot for somebody who's not earning a lot of money.

Mr Crozier: Do you think the broker's role is understood by the consumer?

By the way, I was an insurance broker too, but only for about a tenth of the time that Mr Johnson was. It was only for three years. I came in just when no-fault was coming in in 1990 and then I got a better job in 1993—I think.

Mr Joseph Spina (Brampton Centre): And you're still employed, Bruce.

Mr Crozier: Yes. Do you think the brokers are understood in their role in the market?

Mr Chestnutt: To be quite honest, Mr Crozier, I believe that the public does not understand the role between an agent and a broker. They just think, "That's my insurance person that I go to," and they do not understand the difference. I think that's a shame. But, as you know, being a self-regulatory body, it's not the responsibility of RIBO to go out and promote themselves. They're just a regulatory body. So, yes, to answer your question.

Mr Crozier: Perhaps the insurance brokers' association should help educate the public in this.

Mr Chestnutt: Yes.

Mr Crozier: Sitting on a complaints and discipline committee—is it both?

Mr Chestnutt: Yes, Mr Crozier.

Mr Crozier: Are you a compassionate guy, a tough guy, a fair guy, or all three?

Mr Chestnutt: You might say I'm all three. But I tend to look at the consumer first. Was there any consumer exposure? That's the thing I look at first. Before I look at anything to do with trust fund monies or anything like that, I want to know whether the consumer was at risk, and that's the first thing I do.

Mr Crozier: OK. Look, I appreciate the fact you've put your name forward to continue to serve in this area, and I wish you well. I think my colleague might have a question.

The Chair: We now move to Mr Gravelle.

Mr Michael Gravelle (Thunder Bay-Superior North): Good morning, Mr Chestnutt. Like most members, we're very pleased to have an opportunity to have this kind of discussion and to have your thoughts and expertise on this. There is one thing I wanted to ask you about. I noticed in your resumé, among other things—I think being chair of the Elmer Iseler Singers is fantastic; they're fabulous singers.

The Chair: We won't require you to perform today.

Mr Gravelle: That would be something else. I just love them; they're wonderful.

I notice you are a member of the consumer advisory committee of the Financial Services Commission of Ontario. That is fiscal, the group that essentially authorizes insurance increases?

Mr Chestnutt: No.

Mr Gravelle: No. Explain it to me. I think of them—

Mr Chestnutt: Sorry.

Mr Gravelle: Go ahead, Mr Chestnutt. You're far more learned than I am.

Mr Chestnutt: Basically, what happened was that they wanted a consumer advisory committee in the Ombudsman's office. They approached the Consumers' Association of Canada, two or three professors, and they also approached RIBO. They asked if RIBO would appoint a person to sit on the—

Mr Gravelle: So you're the rep from RIBO.

Mr Chestnutt: I am the rep from RIBO.

Mr Gravelle: I would think this would be a very interesting group to be part of right now in light of all the discussions we are having about large increases in insurance costs. Have you had an opportunity, because I think a consumer advisory group would obviously be one—if consumers had an opportunity, they would probably love to speak with you. I believe our role, as much as possible, is to protect consumers from these increases and find some way to bring them down and get to the bottom of really what is causing them. No matter what is said, I think there isn't great public comfort with what the insurance industry is saying. I don't think there is, and you probably might agree with that.

Is this particular consumer advisory group actively involved in the process of trying to explain or justify or get to the bottom of those increases? Is that part of your role of being a member of that consumer advisory group?

Mr Chestnutt: Basically, what happens is that civil servants who are going to be presenting legislation would come to this consumer advisory committee and say, "This is the legislation that's going to be coming forward." What we do—if you want to call it, for want of a better word—is vent it from a consumer standpoint. In other words, we'll say, "What about this and what about that?"

Mr Gravelle: So you looked at Bill 198 then? The province put forward Bill 198, which was passed in December.

Mr Chestnutt: Which bill was that? I'm not sure. I don't remember bill numbers.

Mr Gravelle: That's one Mrs Ecker brought forward related to making some adjustments to—we're waiting for the rules and regulations to be brought forward now. Is it 198? I think I've got it right.

Mr Crozier: Yes, 198; I forget the title of it.

Mr Gravelle: I forget the title of it as well, but part of the function of that bill was obviously to make some adjustments to costs that would impact on insurance rates. Mrs Ecker has spoken about it recently. Just based on what you said—it would have been the only piece of legislation that the government would recently have brought forward.

Mr Chestnutt: I do remember that. Is that the bill Mr Sampson had some involvement in?

Mr Gravelle: That is correct. That's right; very much so.

Mr Chestnutt: Of course our major concern on that legislation was, would the consumer still have the opportunity to go before the courts? In my belief, the end protector of the consumer is the courts. I was concerned that in that legislation the consumer would not be able to appeal to a higher body if in fact the consumer was only allowed \$1,000 or whatever it was for a loss of a limb. I wanted to ensure that the courts could still have the consumer's case; in other words, they could hire a lawyer, no matter what the amount was that was suggested in the legislation.

With other legislation that doesn't come before that committee, we can still raise it as an issue, like the business of pensions that I was so involved with with Eatons. I was very concerned that they would not allow the employees to share in a surplus. At least I can vent what I think is the consumer's point of view through this committee, and I try to do the same thing on RIBO.

The Chair: Thank you very much, Mr Chestnutt, for being with us. Not only has it been pleasant but it has been informative from all sides. You may step down.

Mr Chestnutt: Thank you very much, Mr Chairman and members of the committee.

1040

DAN HOUSSAR

Review of intended appointment, selected by the official opposition party: Dan Houssar, intended appointee as member, Council of the College of Chiropractors of Ontario.

The Chair: The next individual to appear before us is Mr Dan Houssar, intended appointee as member, Council of the College of Chiropractors of Ontario.

Welcome, sir. I think the water at the committee is safe. I'm not sure about on the opposition side, whether the water over here isn't tampered with by my friends on the government side, but I'm told that's not the case.

As you are aware, you have an opportunity to make an initial statement. Subsequent to that, the questions will begin with the government caucus.

Mr Dan Houssar: Thank you, Mr Chairman and committee members, for this opportunity to appear before this standing committee.

I'm presently fighting off a cold, but being here with you today, I'm starting to feel better already. Maybe it was a good thing to come to Toronto.

I live in Brantford, Ontario, with my wife, Rose, and have three adult children. I am presently employed in vehicle sales, leasing and finance in Paris, Ontario.

During the past 28 years, I have established a record of achievement in leadership positions: as chair of the appeals committee and president of the Council of the College of Massage Therapists of Ontario; four years as president of the Brantford and District Labour Council;

three years as a member of the city of Brantford committee of adjustment; and 11 years as chair of the Brantford entertainment centres board.

I have gained broad experience in the ability to understand and interpret relevant legislation and bylaws. In the position of chair of the appeals committee, I made extensive use of my research, analytical, writing and judgmental skills. Also, during my tenure as chair on the Brantford Police Service board, I was a member of a hearing of a disciplinary appeal under section 64 of the Police Services Act. I also have served as a union nominee on a number of arbitrations with the Aluminum, Brick and Glass Workers International Union.

My education and employment experiences portray an individual who possesses excellent organizational, communication and interpersonal skills. I believe that the talents and skills I have been able to develop through my employment and volunteer experience prepare me well to fill the appointment as a member of the Council of the College of Chiropodists of Ontario.

Thank you for your consideration.

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

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

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

Mr Gravelle: Good morning, Mr Houssar, and welcome. We are often interested in just how the appointment came about. I notice that you had been a member of the council of the massage therapists, so presumably that was a government appointment as well. That probably piques our interest even more as to how this appointment came about. Can you let us know what the process was whereby you got offered this appointment?

Mr Houssar: I guess it was the sixth year I was completing on the massage therapy council and I wrote to the Minister of Labour and said, "This is my sixth year. If you're going to reappoint me, I would certainly stand and, if not, if you could see that there was another spot where you would like me to sit, I'd be willing." That's how this appointment came about.

Mr Gravelle: Was this with our present Minister of Labour, Mr Clark?

Mr Houssar: No, the Minister of Health, Tony Clement.

Mr Gravelle: If I may ask you, are you involved in the political process? Are you a member of a political party?

Mr Houssar: I'm a Progressive Conservative member.

Mr Gravelle: So you obviously had your six years with the massage therapists. As Mr Chestnutt pointed out, generally speaking, that is the extent whereby they let it go, and then you've gone into this.

Thank you very much for being so honest about that, but it does beg the question as to why you feel that you will be able to be a helpful member of this council. There are some interesting issues related to chiropody and podiatry, which I do want to address with you. I would be

curious as to why you think this is a good position for you to be moving into.

Mr Houssar: I think of my understanding of the college system in the province of Ontario. I believe there are 21 councils of colleges in the province. Certainly I'm a team player; I like to believe that within the structure of the council I'd be a valuable asset to the college.

Mr Gravelle: I presume you've done some research related to this particular council. As I'm sure you know, there is—I'm not sure if I would use the word "controversy"—a move afoot in terms of the fact that the role that a chiropodist plays is incredibly similar to the podiatrist, and in fact they've actually limited the number of new podiatrists coming into the system. Have you done some research on this?

Mr Houssar: No, sir. I'm not aware of that.

Mr Gravelle: But may I ask you what research you have done related to this position? Certainly there is a campaign going on, which is actually coming into a lot of our offices, related to the fact that chiropodists should be declared as podiatrists in terms of the work that they do, so I guess again, my question ultimately is, are you aware of any of this? It strikes me as a bit surprising if you're not, because if you're coming on to a council, one expects you would be somewhat conscious of some of the issues related to the council you hope to sit on.

Mr Houssar: Well, there are 21 in the province of Ontario and I'm not aware of that one.

Mr Gravelle: I'm sorry?

Mr Houssar: I'm not aware of any controversy at this point in time.

Mr Gravelle: But are you aware of the whole history of podiatry and chiropody, the differences, and how the province has regulated both of those professions?

Mr Houssar: No, sir.

Mr Gravelle: It just strikes me as a bit odd, Mr Houssar, that you wouldn't have done some research related to this.

Mr Houssar: Well, I don't find it odd, sir. I'm looking for the public appointment position. I'd probably know more about it if I was a member, and that would be a different appointment. That would be an elected spot on their board. I think I come with a public perspective. No, I don't find it odd.

Mr Gravelle: Yes, and I appreciate that because I do understand that as a public member you're not expected to be an expert. I don't have that expectation either, because it's very clear that isn't the role that one is to play. On the other hand, it does strike me as somewhat odd that you wouldn't be more aware of some of the issues. These are the issues that presumably will come forward, and it would be helpful if you had some thoughts on that.

The Chair: We now move to the third party.

Mr Martin: I guess I'm interested as well in why you would be interested in this appointment, given that your main profession is in the motor vehicle industry. What would attract you to this? What would be the interest for you in doing this?

Mr Houssar: I do have a background in being on the College of Massage Therapists of Ontario.

Mr Martin: And how did you get there? What was the interest there?

Mr Houssar: I was appointed when I put my name forward to serve on a public appointment.

Mr Martin: Was there a concern that you responded to? Was there a particular thing that you wanted to do? Or just out of the blue, you decided to apply for it, or it was recommended that you might serve on this?

Mr Houssar: No, I don't believe so.

Mr Martin: Nothing?

Mr Houssar: Yes.

Mr Martin: In your role as a member of the College of Massage Therapists, were there issues that came up that you had to grapple with or that particularly piqued your interest?

Mr Houssar: No, sir.

Mr Martin: OK, so in coming to the College of Chiropractors, are there things that you think need to be addressed? Is there something in particular that you want to achieve?

Mr Houssar: I would have to review their strategic plan or financial statement, if appointed, and go from there.

1050

Mr Martin: The whole area of health care and the delivery of health care is a concern to many in the province at the moment. The cost of it is always brought up, the interplay between various professionals is always brought up. Is there something in that field or area that you think would be of interest in terms of your contribution on this college?

Mr Houssar: No more than a normal citizen within Ontario.

Mr Martin: OK. Those are all the questions I have.

The Chair: That concludes our questions. You may step down, sir.

We now have an opportunity to deal with the appointments. I'll entertain any motions.

Mr Wood: I move concurrence of Mr Chestnutt.

The Chair: Concurrence has been moved in the case of Mr James T. Chestnutt, intended appointee as member, Council of the Registered Insurance Brokers of Ontario, complaints committee and discipline committee. Any discussion?

Mr Martin: Was concurrence moved?

The Chair: It has been moved.

Mr Martin: It has been moved; OK. I have no real difficulty with this appointment. I think that he brings a long track record of experience in the industry and certainly expresses a concern for the consumer and, in fact, the broker. I think both these folks in the insurance environment that we're in, I would guess, find themselves a bit of a victim of circumstances, and I would hope that we would have somebody on these committees who would understand that and be willing to make sure there was a level playing field and that fairness was the

bottom line. I think Mr Chestnutt will carry out that role effectively.

The Chair: Any other discussion or comments?

Mr Gravelle: Certainly, on a comfort level, Mr Chestnutt seemed to be somebody who is extremely well informed and very thoughtful and has a really excellent background. I have no problem supporting him as well on that basis.

The Chair: Any further comment? If not, I will call the vote.

All in favour? Opposed? The motion is carried.

The next intended appointee is Dan Houssar, intended appointee as member, Council of the College of Chiropractors of Ontario.

Mr Wood: I move concurrence.

The Chair: Concurrence has been moved by Mr Wood. Discussion?

Mr Gravelle: I think that was a very strange interview with Mr Houssar. He did not seem at all comfortable discussing anything related to the position. I know that the government members tend to get angry at us for always asking about political affiliation. I am certainly comfortable saying that people of all parties can be really excellent representatives and should be frequently supported, based on their expertise, to various councils.

This is one that smacked of nothing else except, "I'm a supporter of this party. I served six years on one council and I wanted to go on another one because my time ran out." I can't imagine that the government members were particularly comfortable with the interview that we took part in. I won't speak for Mr Martin; both Mr Martin and I ended up using less than our allotted time. I know my reason was that I didn't know how else to get him to respond to anything. It was a peculiar experience.

I'm sure he's fine man. I have no criticism of him at all in a personal way, but in terms of the position, there are, as he pointed out, 21 of these councils. There are millions of Ontarians, I think, who would be excellent representatives on this, and here's a gentleman who didn't actually seem that interested in it. He certainly didn't think it was worthwhile doing any preparation related to the profession itself.

There are some interesting and very important issues related to chiropractors and podiatrists. The fact that there are fewer podiatrists in the province because no more are being allowed into the field—just that issue alone is one that I won't pretend to be very familiar with, but certainly you would expect someone who was going on the council to be.

It was almost like, "I expect to be given another appointment. I did my six years. I want another one." So it struck me, as I say, that all three parties should be uncomfortable with the approach that he took. We do want good people on these councils, people who really want to be on them for the right reasons. Again, party affiliation isn't necessarily a barrier or advantage—it shouldn't be. We understand how the process works. This one just struck me as being a very poor appoint-

ment. On that basis and others I could go on about, I will not be supporting Mr Houssar.

Mr Martin: Somewhat along the same line, he didn't elaborate on any of the questions we asked. I don't know why he came this morning, except that he was invited. I don't know anything more about him now than I did before he sat down in the chair. I felt there was an attitude that sort of smacked of, "It doesn't matter." This is an important governing body in an area of public service, health care, that needs to be dealt with in a very serious and considerate manner as we move forward and try to manage the money we put in and the delivery of health care, and the interplay between the various professionals that represents. The fact that he served on the College of Massage Therapists doesn't necessarily qualify him to serve on this particular board, the College of Chiropractors of Ontario.

He just didn't seem to be interested or willing to speak with us, with me, in a way that would give me any comfort in supporting his appointment. That's normally what I'm looking for. I've been on this committee for a number of years now, and I've not experienced as dismissive an appointment as I've experienced here this morning. With all of that in mind, there's no level of comfort for me in supporting this appointment.

The Chair: Any other comments? Welcome to the committee, Mr Kormos.

Mr Peter Kormos (Niagara Centre): Thank you kindly, Chair. I appreciate your generosity of spirit and hospitality.

The Chair: I'm always happy to have different members of the Legislature appear at the committee from time to time.

Mr Gravelle, do you have any further comments? If there's no further comments, Mr Kormos has a comment.

Mr Kormos: I was intrigued by Mr Martin's questions to this gentleman, and even more intrigued to his responses to those questions, such as they were.

First of all, the appointment to this regulatory body is not to be taken lightly. The research materials provided to members of the committee indicate very clearly the tension that exists between the practice of podiatry—which has effectively been suspended in terms of new members being admitted to the practice of podiatry here in the province—as compared to chiroprody, and then the tension between chiroprody and orthopaedic surgery that relates to one being an OHIP-covered practice and the other being a non-OHIP-covered practice.

There are some intricacies here that are very important and that don't necessarily meet the eye at first blush. There are things happening in the community right now, in the area of chiroprody and the treatment of people's feet, in terms of the quest on the part of chiropractors to get OHIP coverage, for instance, and the quest on the part of chiropractors to expand the scope of the type of treatment they can undertake.

It's very similar to the quest of optometrists here in Ontario to expand their diagnostic ability to avoid the need to refer to an ophthalmologist, for instance. In view

of the incredible shortage of ophthalmologists, optometrists are lobbying to get equity, if you will, with optometry and practitioners of optometry in other provinces where they have this elevated level of diagnostic ability.

That means it's important who this government appoints to this regulatory body. This isn't a passive organization that's involved in a period of calm right now. On the contrary, the council, the regulatory body for chiropractors, is involved in a very—there's a great deal of fluidity around the practice of chiroprody. Having said that, I look at Mr Houssar's CV. God bless. He seems like a fine person. I have no qualms about saying that there's nothing to indicate that he has a criminal record, or that he's less than honest, or less than ethical, and he's certainly literate. He made that quite clear.

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But I was just amazed at the passivity that he displayed and the disinterest in chiroprody; no indication that he'd even taken the time to investigate, even at a superficial level, current issues around the practice of chiroprody. He may well have and it may just have been a flawed interview. Mr Martin may perhaps have been too tough and too intimidating in his cross-examination of Mr Houssar and perhaps silenced him by the brutality of his questioning, and that can happen. I've seen that happen. People freeze, and perhaps that's what happened to Mr Houssar. Maybe he should have another opportunity. But I just find it amazing that this good person would want to be appointed to a body like this regulatory body, which has a very important function to play, right now especially. I would have been pleased, for instance, to have seen a letter attached to his CV from a chiropractor or from the patient of a chiropractor, somebody who had received treatment, saying, "Yes, I think Mr Houssar has demonstrated to me the sort of interest, aptitude, bent that would make him a valuable participant on this regulatory body." We don't have that.

Again, the passivity and almost indifference of his responses to what were some very—when Mr Martin wasn't being brutal and aggressive, he was being very generous in his questions, basically laying out the groundwork for Mr Houssar to say, "Oh, that's right, I'm interested in that particular thing." But he didn't even bite. He didn't even seize the opportunity.

There you go. Why would this government want to appoint this man to this particular regulatory body when there is so much happening in that area, when there is stuff happening that's of great importance to the future of chiropractors, our capacity to recruit and retain new chiropractors and the need to, for instance, involve more people in a more creative way in the delivery of health care? That seems to be almost consistent with the government's—it's certainly consistent with how New Democrats approach health care in terms of wanting to be more creative in the whole role of nurse practitioners, midwifery and so on.

It seems that in this context this gentleman is hardly well-suited. He doesn't demonstrate any characteristics, he didn't articulate any qualities that would make him

well-suited for this particular board. In view of the importance of this position, I'm cautioning government members. What I suspect here—this is just purely speculative, intuitive—

Mr Johnson: Forget it. I wouldn't speculate.

Mr Kormos: No? Well, be careful, because what causes me concern is that this is the sort of appointment that's so quiet and just sort of slips through, because he seems like a relatively innocuous guy. But six months later, like a dog awakened from its sleep, it jumps up and bites you on the butt. You finally discover what the real agenda here was or what the real motive was or what the real interest being pursued was. Do you understand what I'm saying, Chair? It's one of those sleepers.

The Chair: I always understand—

Mr Kormos: Be careful. It's one of those sleepers. It's a Seabrook, if you will.

The Chair: Is that like a sleeper cell?

Mr Kormos: Yes, it's a Seabrook, if you will. I don't think this committee knows enough about this gentleman to confidently say, "Yes, he should be on this regulatory body." I would invite the proponents of his appointment to explain, to change the minds of Mr Gravelle and Mr Martin—certainly mine. I'm easily persuaded of the error of my ways. If I'm wrong, explain to me how I'm wrong, based on what we saw and heard today and based on what has been presented to the committee. A sleeper, a dog that once awoken will jump up and bite you on the butt, drawing blood, no doubt about it; an unleashed, an unchained dog. There's something here that hasn't been revealed yet. I'm not saying it's necessarily evil, but I'm saying it's something that should be of interest.

The Chair: Thank you very much for your contribution.

Mr Kormos: Think nothing of it, Chair.

The Chair: Any others? Mr Spina. You have provoked Mr Spina, I think.

Mr Spina: Just quickly, Mr Chair. Mr Houssar has a good track record, both in industry and in terms of his career skill sets that he brings to the table. With respect to not having sufficient knowledge, as he was questioned by both the opposition members, there are many appointments to these committees as public appointments where they are intended to bring an objective point of view from the community. I think that is just the case here. With the skill sets that he's had, not just in previous committees that he's sat on but also in his personal career, I think he brings some very good skill sets to be able to address issues that will come before the committee.

Therefore, because of that, I am quite confident in supporting Mr Houssar's appointment.

The Chair: Any further comment by any member of the committee or anyone who is in the room? Then we will call the vote.

All in favour?

Mr Kormos: Recorded vote.

The Chair: Recorded vote is requested.

Mr Johnson: It's supposed to be requested before the vote.

The Chair: I'll have to see. Does anybody object to a recorded vote?

Mr Johnson: I do.

Mr Kormos: On a point of order, Mr Chair: You didn't call for the vote until you called for the vote. When you call for the vote, that's when one calls for a recorded vote. One doesn't anticipate the vote.

The Chair: I am informed that the appropriate time to ask for a recorded vote would have been about a second earlier in this particular case. I will ask our clerk to explain this to the committee.

Mr Johnson: Don't be too long. I've already voted.

Clerk of the Committee (Ms Anne Stokes): The Chair clearly said that he was going to put the question. That was when it would be the correct time to ask for a recorded vote. He said that he was going to put the question, and then called the question. As the hands went up, the request was made for the recorded vote.

Mr Kormos: If I may, Chair.

The Chair: Yes, Mr Kormos.

Mr Kormos: I apologize for doing that, but the record will note that the four Conservatives are supporting the appointment of this gentleman, that Mr Gravelle and Mr Martin are opposing the appointment of this gentleman, and that I am adamantly opposed. Unfortunately, not being a member, I can't vote. Thank you kindly, sir.

The Chair: OK, we are now going to vote. If any member wants to have a point of order subsequent to the vote, he or she can have it.

All in favour? Opposed? The motion is carried.

Mr Kormos: Point of order, Mr Chair—

The Chair: Mr Johnson first, and then Mr Kormos.

Mr Johnson: On a point of order, Mr Chair: I'm not sure that it has to be a member of the committee who requests a point of order. Mr Kormos has not been subbed in, is not a member of this committee and is a member of that caucus. As I understand it, he has some standing here, but I'm not sure it's to request a recorded vote.

The Chair: We will find that out in due course.

Mr Kormos: May I respond to that point of order?

The Chair: Mr Kormos, you may respond.

Mr Kormos: On a point of order, Mr Chair: I've been dealing with that point of order from government members for 15 years, even in the period from 1990 through 1995. I assure you that my exercising my statutory right to be at the committee entails points of order. But am I correct, Chair, that it was four in support of that appointment and two opposed?

The Chair: You are correct. It was a correct observation. We will find that information out for our next meeting.

Speaking of next meetings, we look ahead. One of the things I have to get, by the way, is an extension of a deadline for a review of an intended appointee included in the certificates of April 25, 2003, original deadline May 25, 2003. The intended appointee has been extended

once already until June 24. The new deadline is July 24, 2003. There is a medical problem that has prevented the person from coming to the committee previously.

Mr Wood: I ask unanimous consent for extension of the deadline until July 24, 2003.

The Chair: Do we have unanimous consent? OK. Thank you very much.

Lastly, it appears, from the number of proposed appointments coming before us, that we would not have a meeting scheduled next week. That would mean this is the last meeting for David Pond, who is from the legislative library. He has been serving us since, I believe, July 1989, some 14 years. Mr Pond is leaving the Legislative Assembly library and is going to the University of Toronto to become a professor at the university. I know that all members of the committee wish him well.

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As we all know, we are served extremely well by a number of officers of the assembly who assist us in doing our jobs as individual members and as government and opposition, and the legislative library plays a very central role in that for all of us in gathering information and providing it in a manner in which we are able to deal with it appropriately. In this committee, members are assisted by background information which is provided to us so that it assists us in asking our questions and gaining a better understanding of the particular agency, board or commission.

So on behalf of myself and I'm sure all members of the committee and of the assembly, I would like to thank Mr Pond for his 14 years of service and wish him well in his new endeavour.

Mr Gravelle: Would it appropriate, Mr Chair, if I added a few words on behalf of the Liberal caucus?

The Chair: It would.

Mr Gravelle: I've had the opportunity to be a member of this committee on two different occasions, and Mr Pond has been the legislative research person involved in almost all those periods of time. I must tell you, I think the general public probably doesn't realize that Mr Pond is one of the key people in terms of making us look pretty intelligent at times. If people think we are well informed, it is because of the fine work that David has done and how helpful he is. I know that the research he does is rather extraordinary and very helpful to all of us in terms of being able to be prepared for the committee.

It's also just a pleasure working with David, if I may say so. He is obviously a very, very personable and kind person, as we've all come to know him quite well; certainly I have. We will miss him very much. We regret that you will no longer be with us in our work here. But we absolutely wish you well. It sounds like an exciting new future for you. Again, your work has been exemplary and I think always done with a certain level of enthusiasm which you've managed to maintain in a remarkably consistent way, which is not always easy to do, but I think you have. As the Chair said, the staff who are here to help us are very much the unsung heroes, and it's nice to have an opportunity to thank you specifically,

especially, David, for the great work you've done. We're very, very grateful. We'll miss you. Good luck in the future.

Mr David Pond: Thank you.

The Chair: Mr Martin, you had your hand up.

Mr Martin: I just wanted to echo some of the comments of Mr Gravelle and say that it has been my experience on this committee for quite some time that Mr Pond—actually, I wanted to make the point that it's not Mr Pond; it's Dr Pond. I don't know how many of us were aware of that; I wasn't until a short while ago, and I should have been because the nature, the efficiency and the depth of the work he did and presented to us certainly indicated a level of expertise and ability that reflects his learned stature.

I wanted to thank him for all of the ways he has provided service and advice to us. Mr Gravelle mentioned that he made us sometimes look more intelligent. Perhaps there were times when he wasn't able to actually do that for some of us. Sometimes it's just impossible. I really did appreciate his contribution, and as Mr Gravelle said, I enjoyed the personal way in which it was done as well.

We work long hours down here, hard hours away from home often, and it isn't always the most pleasant of circumstances, but when you work with people who make it pleasant and fun, it's always easier to do; in fact, sometimes we look forward to it. This is a committee that I've looked forward to coming to, and a lot of that is due to the personnel who serve, and certainly Dr Pond is one of those. I dare say that if Dr Pond came before us as an intended appointee as a professor at the University of Toronto, it would be unanimously approved. Thank you very much.

Mr Wood: I guess I might add that to the extent we don't have strong staff work, we don't have the strong work by MPPs that we'd like to have, so the work that he and all of his colleagues do is quite essential to the function of this place, providing the kind of service to the people that people expect. I think the work he has done, at least over the eight years on and off that I have worked with him, has always been highly competent and done in a very timely fashion and in a totally objective, non-partisan fashion. There are times in this place when all of those challenges are not successfully met. I think he has given an example to others as to how someone who works for the Legislative Assembly can support the political process and make it work better. So I'd like to congratulate him on a job well done, and tell him that we'll now be able to seek some advice and not pay him for it.

The Chair: Thank you very much for the kind comments from all members of the committee. I'm going to do something fairly unusual and give Mr Pond the opportunity to respond.

Mr Pond: Just thank you very much for your very kind remarks. I wasn't expecting this. Just for your edification, since this committee started reviewing order-in-council appointments in 1990, you have reviewed 760,

which is a higher workload than any similar committee anywhere in the Commonwealth. I'll leave you with that number.

The Chair: Thank you very much, Mr Pond.

Members of the committee, I will consult with you as to the timing of the next meeting of the committee. We, as you know, even when the House isn't sitting, always seem to sit. This committee has always been an interesting committee to be on. Mr Martin, before we depart?

Mr Martin: I just wanted to know if Mr Pond has done any further analysis, like how many of those appointments were Conservatives.

The Chair: He said from 1990, so that's—only a member of the Liberal caucus could ask that question, because before that there wasn't such a committee.

Members of the committee, thank you very much. I will consult you to see when we would sit in the future. I'll entertain a motion of adjournment.

Mr Wood: So moved.

Mr Frank Mazzilli (London-Fanshawe): So moved.

The Chair: I'm going to say "Mr Mazzilli" in this case, to get his name on the record. Mr Mazzilli has moved adjournment. All in favour? Opposed? The motion is carried.

The committee adjourned at 1116.

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STANDING COMMITTEE ON GOVERNMENT AGENCIES

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Mr Wayne Wettlaufer (Kitchener Centre / -Centre PC)
Mr Bob Wood (London West / -Ouest PC)

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Mr Bruce Crozier (Essex L)
Mr Joseph Spina (Brampton Centre / -Centre PC)

Also taking part / Autres participants et participantes

Mr Peter Kormos (Niagara Centre / -Centre ND)

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