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**Official Report
of Debates
(Hansard)**

Wednesday 16 July 2003

**Journal
des débats
(Hansard)**

Mercredi 16 juillet 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
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Wednesday 16 July 2003

Mercredi 16 juillet 2003

The committee met at 1008 in room 151.

SUBCOMMITTEE REPORTS

The Chair (Mr James J. Bradley): I'll call the meeting to order. The first item of business is the report of the subcommittee on committee business dated Thursday, June 19, 2003.

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

The Chair: Mr Wood has moved its adoption. Is there any discussion? If not, all in favour? Opposed? The motion is carried.

The second item is the report of the subcommittee on committee business dated Thursday, June 26, 2003.

Mr Wood: I move its adoption.

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

The third item is the report of the subcommittee on committee business dated Thursday, July 3, 2003.

Mr Wood: I move its adoption.

The Chair: Its adoption has been moved by Mr Wood. Any discussion? If not, we'll call the vote. All in favour? Opposed? The motion is carried.

Before we begin the appointments review, I want to thank members of the committee for your co-operation in scheduling people to be before the committee. We're in a different schedule in the summer, and therefore the extension is appreciated very much by the Chair.

Mr Tony Martin (Sault Ste Marie): I just wanted to note that perhaps we could vote on the morning appointments at noon, because I'm not sure if I'll be able to stay for the full afternoon.

The Chair: Is that fine with the—

Mr Wood: Provided the opposition is very concise, as it always is, in its questions, we might be prepared to consider it.

Interjection: As always.

Mr Wood: Almost always. You're right. That was an overstatement.

Mr Martin: It's summertime and we'll try to cooperate.

Mr Wood: We'll do the best we can.

INTENDED APPOINTMENTS

LINDA NOWICKI

Review of intended appointment, selected by official opposition party: Linda Nowicki, intended appointee as member, Town of Michipicoten Police Services Board.

The Chair: Our first selection is Linda Nowicki, who is an intended appointee as member, Town of—

Mr Martin: Michipicoten.

The Chair: —Michipicoten Police Services Board. You'll forgive me, because I didn't even get a chance to read this before I got in. Welcome to the committee. As I think you would be fully aware, you have a chance to make an initial statement if you see fit, and then we begin questioning from members of the committee who wish to question you.

Ms Linda Nowicki: Thank you very much. Good morning, ladies and gentlemen.

I have been told that I have the ability to get to the crux of a matter, so I'll get to the crux of the matter. I believe I am here so that you can learn about who I am.

When did I come to Wawa? After completing one year at Laurentian University in a languages program, majoring in English and French with a minor in Russian, I married Stan from Wawa. I worked for a year while he finished his year at teachers' college in Kingston, and we moved to Wawa.

Employment opportunities for ambitious young women were scarce. I worked my way from a cashier at Canadian Tire to a filing clerk at the Bank of Montreal to a teller position at the Royal Bank, all within a year. After two years at the bank, I decided there was no future for me there. That was proven by the comment of one of the managers, who had the nerve to say to me, "After all, what more can you do? You're a married woman in Wawa." I said goodbye.

I went to work for a local real estate and insurance broker as his sole employee. During my employment there, I studied and travelled to courses to obtain an insurance broker's licence. I ran that gentleman's business for six years, when suddenly he announced that he had sold it without any notification to me. It hadn't occurred to him that a married woman would be interested in such a business. There's that stigma again.

Then and there, I decided to go into business for myself. In partnership with a major firm in Sault Ste Marie, Dawson and Keenan Insurance Ltd, I opened a branch office in Wawa, and from the ground up I built a

profitable business that I sold 10 years later. That business has now been in Wawa for over 20 years.

Never content to do one thing at a time, during my ownership of the insurance business I studied and travelled again for courses to obtain my real estate licence. I opened a sub-branch of the Century 21 office in Sault Ste Marie. When the main office closed, I opened my own real estate office in Wawa, I-deal Real Estate Ltd. This business marks its 15th anniversary this year.

I was back to one business, and content to be so, but another opportunity presented itself. Six years ago, rather than see the local H&R Block franchise close, I purchased it and hired staff to run it.

Last year, my office became the local representative for the Superior Wireless cellphone service provider in the area. Yes, we finally have cellphones. They don't work all over the place, but they do work.

I have managed to survive all the ups and downs of our local economy by working hard and diversifying. When I'm not working, I volunteer as president of the Wawa Humane Society. I am one of its founding members. In the past year I joined the economic development corporation, and I am on the executive there as treasurer-secretary. I had served on the former Wawa Economic Development Corp in the early 1990s and on the chamber of commerce. I follow local politics closely and attend council meetings regularly.

For entertainment, I like to entertain. I was a member of the soprano section of the local non-denominational choir during its 11 years.

I am able to manage all these activities with the help of my husband. At the time he was laid off at Algoma Ore, the real estate business became very busy. Rather than look for work elsewhere, he became my right hand. He obtained his real estate licence. He has freed me from home duties and assists with administrative and general office work.

In the past, my business schedule kept me from participating in areas where I would have liked to, such as the police services board and municipal council. Diversification has allowed me to hire employees to assist in all areas and relieve me of the administrative tasks of my work. I have more time now, despite owning three businesses.

As a police services board member representing this government, I will strive to maintain the safe community that Wawa has remained. I will lend support to the chief, the officers and the staff who make it so, and though I may not always agree with them, I will respect my fellow board members and their opinions and decisions.

I believe in being well informed. I spend much time reading and researching to get all the facts needed to make sound decisions. I'm happy to be here before you and to respond to any questions that you might have. Thank you.

The Chair: Thank you very much. We begin our questioning with the government.

Mr Bert Johnson (Perth-Middlesex): Linda, I'm impressed with your background. I just wanted to correct

one thing, and that is that you said you would be a representative of this government on the police services board. Indeed, you will be appointed by this government, if that is the way this committee votes today, but I wanted just to say that I hope and trust that your constituency, your background and so on, will be mostly those people who live within the area policed by the services in that community, as opposed to feeling that there's something that you owe to them from Toronto or the government and so on.

I wanted to ask about when you started in the insurance business. About what year was that?

Ms Nowicki: In 1981 I opened my own office.

Mr Johnson: That was after what we would have called the crunch of 1975, which isn't too much different than the one right now.

When did you start in real estate?

Ms Nowicki: I started in real estate about five years after I began in insurance. I was one of the few to be grandfathered so that I could hold both licences. I have since allowed the insurance licence to lapse.

Mr Johnson: As you can tell, I'm quite a bit older than that, and I was grandfathered into the life as well—maybe great-grandfathered, or whatever they call it now.

I wanted to ask a little about your experiences when you were developing and eventually selling. I noticed that you were overlooked as a potential purchaser of the business that you worked in. That must have been kind of a blow to you. I see that you learned from it, because you looked at an employee in the future as a purchaser of your business eventually.

Ms Nowicki: Oh, absolutely, and a young man. I hate to say that, but there aren't too many ambitious women who would have had the resources to buy the business. The number of businesswomen in the area is limited.

I would like to go back to your comment about my comment referring to representing this government. I'm not referring to the fact that I represent the government, but I think on the police services board, when you are the provincial appointee, you have to take more of a provincially less biased, less parochial approach. I feel that I would be a more neutral person having been the provincial appointee rather than a local appointee. Certainly my duty is to provide police services within the act and in the interest of the constituents within Wawa. But I think the responsibility or the onus on the provincial representative is to take a broader view, and that's more what I had in mind.

Mr Johnson: I think and trust from the comments you've made so far that you'll take a broad view in your approach. I am impressed with your background. I think you will have a positive contribution in that and eventually in municipal politics if you decide that is a challenge for you too.

Ms Nowicki: That decision is still in the air.

Mr Johnson: That's all I had, Mr Chairman.

The Chair: Would it be fair to say, Mr Johnson, that you are a proud grandfather, then, since you were grandfathered?

Mr Johnson: Do you have to be a grandfather to be a great-grandfather?

The Chair: Good line, sir.

We're going to move now to the official opposition.

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): Good morning, Ms Nowicki, and thank you for coming. I'm always very interested to understand how it is that people arrive here as intended appointees. How is it that you have come to be an intended appointee to the Michipicoten Police Services Board?

Ms Nowicki: As I said, I follow local municipal politics. I attend the council meetings. There are reports that come over from the police services board. I have actually followed the police services board fairly closely for the last two years. I became aware of the appointment.

Mrs Dombrowsky: How?

Ms Nowicki: The initial awareness? I believe I was speaking with someone from council and they mentioned that the provincial appointment was up. I was also aware that there was a municipal appointment not too long ago and I thought of doing it then, but it just wasn't quite right. Now I'm comfortable with assuming a position.

1020

Mrs Dombrowsky: So when you were given to understand that there might be an opening, what did you do?

Ms Nowicki: I wrote a letter.

Mrs Dombrowsky: To whom?

Ms Nowicki: To Mary McDonald.

Mrs Dombrowsky: To Mary McDonald, who would be?

Ms Nowicki: Mary McDonald is—now you've got me there. I left that paperwork at home. I understood that she was the one who makes recommendations. This name was given to me by a previous police services board member, along with the address, and I was told that she was the one who makes recommendations to cabinet.

Mrs Dombrowsky: I see. Now, you would indicate that you are interested politically at the municipal level. Are you interested at the provincial level?

Ms Nowicki: No.

Mrs Dombrowsky: Are you a member of a political party?

Ms Nowicki: I am a member of the Conservative Party. I've been giving that some very heavy thought lately.

Mrs Dombrowsky: Have you participated in election campaigns?

Ms Nowicki: No, I have not been in election campaigns.

Mrs Dombrowsky: OK. When you say that it came to your attention from a member of council that there would be an opening, are you aware that the person you would be replacing had a will to continue in that role?

Ms Nowicki: Yes, I was aware of that.

Mrs Dombrowsky: Are you aware that the chair of the police services board has written to the minister to

request consideration for that person to be able to continue, as can happen? Are you aware of that?

Ms Nowicki: Yes, I am. I have been following the minutes and I read that in, I believe, their April minutes of this year. They instructed that a letter be written and that the chair try to call Mr Runciman.

Mrs Dombrowsky: So you were aware that there certainly was an effort on the part of the people within the community to retain the person who has been serving as the provincial appointee.

Ms Nowicki: I was aware there was an effort on the part of the police services board to retain that appointee.

Mrs Dombrowsky: Did I say something different there?

Ms Nowicki: You said "the community."

Mrs Dombrowsky: They don't represent the community?

Ms Nowicki: They represent the community, but I believe the impetus came from the board.

Mrs Dombrowsky: So was your decision to pursue this position before or after you knew this particular letter and effort were underway?

Ms Nowicki: This was after.

Mrs Dombrowsky: It was after.

Ms Nowicki: Yes.

Mrs Dombrowsky: Given that there is some question or some controversy about the position, that there's obviously another person who has been doing the role for two years who wanted to continue and that there was very obviously a will of the police services board to have that person continue—they wrote a letter and, as you would indicate, would contact the minister directly—do you see that that would present any kind of particular problem or challenge when you're appointed to this police services board?

Ms Nowicki: I don't think so. In the past this has occurred, where an appointee wanted to remain and did not. I don't see a problem in working with the rest of the board. I know they were very concerned because she was working on a project, apparently updating the business plan. I question why it has taken 18 months to complete an update of the business plan. I have reviewed the business plan and I see no problem, if necessary, with continuing that myself, except that now I see that the board has passed a resolution to hire that individual to complete the plan by September.

Mrs Dombrowsky: How would you feel if, when you have been on the police services board and may want to continue, something of this nature were to happen to you?

Ms Nowicki: I can accept it. I accept political decisions. I don't think I would be insulted. As I say, I would accept it. I understand the workings of politics and it wouldn't bother me.

Mrs Dombrowsky: OK. I think my colleague has some questions. Thank you, Ms Nowicki.

Mr Michael Gravelle (Thunder Bay-Superior North): If I may just pursue this a little bit further, it's my understanding too that the police services board

recently expanded to five members from three members, and it has something to do with a difficulty in filling vacancies. Is that what your understanding is of why the board moved to five members as opposed to three? What I'm leading to is, I'm still curious as to whether you have any knowledge as to why the province did not choose to reappoint the person. It does seem possible that they could have made that reappointment and appointed you as well. That's what I'm wondering about.

I'm just curious as to whether you have any insight. Here you've got the chief and the board wishing to have a person reappointed. It seems very peculiar. You would tend to think the province would respect that appointment. Anyway, can you fill me in on what your awareness is about the expansion from the three- to five-member board and whether that had any impact on the decision in terms of the previous appointee?

Ms Nowicki: We were previously a five-member board and then we went down to a three-member board, and that did present problems with attendance and with appointments. They felt it was better to go back to a five-member board, and I think they also thought that five heads are better than three. Some of the decisions of the three-member board were controversial, so I believe the move to go to a five-member board was to provide more discussion of issues.

As for me replacing this individual, I would only hope that whoever interviewed me and whoever looked at my resumé feels I can do an equal or better job.

Mr Gravelle: It certainly is meant as no measure of disrespect toward you as a potential appointee. It just seems very strange when you've got somebody who obviously was on the board and served in a fashion that the chief of police and others in the municipality thought she should be reappointed. Do you have any personal insight as to why—and I guess we probably should not be throwing her name out—the province would not want to reappoint that particular person?

Ms Nowicki: No, I do not. I can't speak for the province. I can only speak for what I know about what has been happening on the board and that particular individual—

Mr Gravelle: If you could.

Ms Nowicki: I was at a meeting where she chastised municipal council for even suggesting that we go to Ontario provincial policing. Her view on that, as far as I know, is still adamant that we should maintain our local police force at all costs. We cannot make such decisions without considering all the ramifications. We have a \$1.1-million police budget. In my opinion, we can't rule out any possibility in the future and we have to look at all possibilities of providing our police services at a reasonable cost. I know that she's adamantly in favour of maintaining the local police force. Whether that has any bearing on her reappointment—

Mr Gravelle: The previous appointee was in favour of keeping local—

Ms Nowicki: The previous appointee—

Mr Gravelle: May I say my understanding also is that the potential move to the OPP was more expensive, and that was one of the reasons as well.

Ms Nowicki: That was a costing done in 1990. I understand that certain things may not have been taken into consideration at the time when doing that costing. The OPP quote was higher, but theirs already included the minimum standards that were going to be imposed upon us. They also included 24-hour dispatching, which we did not have yet. Since that time we have incurred some very large expenses, and I think it's probably time to take another look at it, in all fairness to the taxpayers.

Mr Gravelle: So your inclination would be perhaps to move toward having OPP jurisdiction or management—

Ms Nowicki: No, I think we should look at it.

Mr Gravelle: May I ask if you've had any discussions with any politicians, any elected members. I think you mentioned a member of the civil service, but have you had any discussions with any of them?

Ms Nowicki: No, I have not.

The Chair: Last question.

Mr Gravelle: I'm curious about your point that being a provincial representative means you look at it in a different way. I'm not sure I completely agree with you, if I understand you. You are obviously a local resident. How would it be different in terms of your viewpoint? You said "less parochial." What does that mean? It seems to me that with a small force like this and with specific responsibilities, you really should very much be looking at it from a regional or local area. So without going on too long, I'm curious about what you really mean by that.

Ms Nowicki: I'm definitely looking at it from a regional area, what is best for Wawa. But I think I will keep more in mind the policies that are put down from the government. I will tend to look at the rules and procedures that the government dictates to make sure those are in place. That's the area I'm looking at: to be very familiar with the Police Services Act, with what the government wants in police service forces and to make sure Wawa meets those requirements while meeting the needs of the community.

1030

Mr Gravelle: Fair enough. Thank you.

Mr Martin: Being that Wawa is sort of my home town, I have an interest—

Ms Nowicki: Sort of, eh?

Mr Martin: Sort of, yes. I have to be careful because, representing the Soo, they don't like to hear me say that some other place might be my home town. But I have an interest in this. In seeking out an appointment to the police services board, are there particular issues that are of concern to you that you want to get a chance to have a go at?

Ms Nowicki: There are no major issues. There's one area of concern, and it was mentioned in one of the police services board meetings not too long ago. It referred to our emergency plan for the community, and it was left at that. The police chief indicated that the CAO of the community was working on it.

I am aware that that plan was revamped in January 2002 and is still sitting there; it has not gone to the department heads. My concern is, where is that plan? That should be in the hands of the police chief as well as all the department heads so that if there is some emergency, they have the manual to refer to. My understanding is that it's not there yet. Considering that the police services board is mandated with the safety of the community, I think we should be pursuing that with council, and that's one of the things that I would immediately bring up.

Mr Martin: Anything else? Any other issues?

Ms Nowicki: No. Wawa is a very safe community. I would say most of us don't lock our doors yet. When I sell houses, they often tell me, "I don't have a key for the front door and I've got to look for the key for the back door."

Our service is doing a good job. I really don't have any complaints or any issues. I'm merely interested in finding out how it functions and learning more about it and contributing what I can.

Mr Martin: Do you have any issues with the chief?

Ms Nowicki: I don't have issues with the chief. He may have issues with me. I did write a letter to the editor some years ago expressing my concern over his demeanour at a public meeting. He was very upset that a member of council had put forth that we should look at OPP costing again and attended that council meeting, and, in my opinion, instead of attacking the issue, attacked the person. I wrote a letter stating that I thought that was inappropriate and that members of council should have done something. So at that time I did criticize him publicly. Other than that, I have no problem with his work. I have no problem with the man. I hope he's professional enough to be able to deal with me.

Mr Martin: And if he's not?

Ms Nowicki: I can handle that. I can remain professional.

Mr Martin: One of the issues that you certainly seem to be focused on and critical of your predecessor about is this issue of whether Michipicoten should be looking at OPP versus a municipal force. It's obvious to me—maybe I'm reading this wrong—that you would be in favour of looking at the possibility of the OPP. Give me some of your thoughts on that whole issue.

Ms Nowicki: I certainly prefer to keep our own local police force, but considering the financial restraints of our community, we have to look at it. If going OPP was to cost us a little bit less, I think I would still stay with our own force unless there's a significant savings. But I think we really have to look at it. The community of Elliot Lake just looked at it and they saved \$250,000 with their force. Ours is much smaller, so I don't know that the savings would be that much, but considering the financial constraints of our community and the size of the budget relative to the expenditures of the community, it's something I wouldn't push to look at immediately, but I would certainly keep an open mind as to whether we should do it or not.

Mr Martin: So it would and will become a fairly significant issue for you.

Ms Nowicki: Possibly, once I get into the budget, once I'm allowed to see the budget and determine where the expenses are. I would much prefer to cut within our own budget and maintain our own police force, but if we have cut to the bare bones and it's still very expensive and there's the possibility that we might save \$100,000 a year, it is something that we have to look at with the position that our municipality is in.

Mr Martin: Could this become a bit of an obsession with you?

Ms Nowicki: Not at all. It won't even be the first thing. I might not even bring it up for a year. As I say, I want to look at all aspects of policing within the community, and that is one of them. I don't want to close my mind and say, "No, we're never going to do that." I don't think you can do that and properly represent the community.

Mr Martin: Certainly your history and track record in Wawa is one of taking on an issue and becoming a bit of a pit bull with it and not letting go of it until it's—I don't know; I'm not sure when you finally let go of things.

Ms Nowicki: There is a saying that you must have the courage to change the things you can, the serenity to accept the things you cannot change and the wisdom to know the difference. I'm lacking a little in the serenity, but I'm working on it, and the wisdom is coming.

As far as OPP costing, I think it was about eight years before we did the OPP costing. Council was proposing that. At the time, I had some very grave concerns because I felt that two members of council were adamant that we would go OPP and that a fair comparison would not be made. I stood up at a public meeting and grilled one of the councillors, which led an OPP group to think that I was anti-OPP, which was not the case at all. I was merely trying to establish if there would be a fair comparison, because I did not want our local municipal police force to be at a disadvantage. That cost me a lot of business, but I would still not change what I did, because I felt it was right. I wanted to expose those councillors as being closed-minded about keeping our local police force.

So what I'm saying to you is that I sit in the middle. I analyze all aspects before I make a decision. Even if we had a report that said the OPP was slightly less costly, I would really have to think twice before making the decision to go that way.

Mr Martin: As you know, when you become part of a board such as this, we all come to it with our own perspective, we do our homework and we fight the good fight on the issues that we feel strongly about, and then at the end of the day as a committee we make a decision and then we move forward. Your ability to move forward—sometimes you win, sometimes you lose. I've learned that down here in spades over 13 years. Your ability to lose gracefully or to move forward in the interests of the broader community, having had a decision made that maybe you didn't agree with—you had mentioned earlier that one of the reasons they went from a

three-member board to a five-member board was that the three-member board was pretty controversial or wasn't able to get along or perhaps make decisions or whatever; I'm not sure. But what's to give me confidence that in making this appointment we won't be putting somebody on there who just isn't going to be able to get to agreements that will be in the best interests of the community?

Ms Nowicki: If you look at my record on the economic development corporation, on the chamber of commerce previously and the previous economic development corporation, we've been able to debate and discuss and disagree and then come back and support whatever decision the majority makes. I'm capable of doing that.

Mr Martin: OK. Thank you very much.

The Chair: Thank you very much for being with us today. You may step down.

HELEN BUCKLEY-ROUTH

Review of intended appointment, selected by official opposition party: Helen Buckley-Routh, intended appointee as member, Social Benefits Tribunal.

The Chair: Our next intended appointee is Helen Buckley-Routh, intended appointee as member, Social Benefits Tribunal. Welcome to the committee. Again, you would know that you have an opportunity to make an initial statement, and subsequent to that there will be questions from members of the committee.

Ms Helen Buckley-Routh: Thank you very much. Mr Chair and honourable members, I appreciate the opportunity to speak with you today. I am extremely honoured to be considered for an appointment as a member of the Social Benefits Tribunal. While I feel that I have much to learn in regard to the laws that govern the mandate of the Social Benefits Tribunal, I am a person who has consistently shown determination, and I always rise to the challenge of a new assignment.

French is my first language. Some of you may question this statement as you look at my name. My father was anglophone and my mother was a bilingual franco-phonie. I was born in Moncton, New Brunswick. My father died when I was five months old, so my mother chose to move back to Quebec with her four children in order to get support from her parents. My mother remarried a French Gaspésian when I was five years old and proceeded to have six more children.

When I was 12, I decided that it was time to learn English, so I enrolled in English school. My first few months as a unilingual French-speaking person within a regular English class were interesting, to say the least. But I was determined, and by Christmas I had an 85% average on my report card. My bilingualism will be especially useful in my role as a member of the tribunal as I can deal equally well with both French and English cases.

1040

Presently I am self-employed as a translator and have translated numerous documents, including newspaper

articles; employment contracts; letters; ethics guidelines; confidentiality declarations; and various manuals, including for the home alone program, which will be used by latchkey children across Canada, and Training Peer Counsellors for Adult Survivors of Childhood Sexual Abuse. I always respect the privacy of individuals who give me sensitive or personal documents to translate. As a member of the tribunal, I will continue to respect the rights of appellants to privacy regarding their cases.

I previously worked under contract at the Trenton Military Family Resource Centre as a translator, and I also translated job orders for HRDC and placed them on their telephone system. While at the MFRC, I always volunteered to pitch in and help any of the other employees during my free time. I sometimes filled in as a receptionist, helped in the daycare centre, prepared deployment packages or did anything else that helped the centre fulfill its role.

I have been a schoolteacher for 26 years, and during that time I've always adapted quickly to changes in curriculum. In the last 10 years or so of my teaching career, teachers who had trouble implementing the new curriculum were often referred to me by school board officials so that I could give them guidance and feedback. On several occasions, young inexperienced teachers came to observe me while I was teaching.

I have also been able to evaluate students in a fair manner, remaining impartial even when I had to deal with my own three children within my classroom. I have often had to resolve conflicts among students, especially during my years as an elementary school teacher. For many years, I was chosen to be the staff representative at union meetings because my peers felt that I took the time to gather their views on issues and represented the whole staff rather than simply expressing my own views. After the meeting I gave them an impartial report of what had been discussed, adopted or defeated. In my role as a member of the Social Benefits Tribunal, I would also remain completely impartial while applying the laws to my decisions regarding the appellants' cases.

My involvement as an officer and member of the Royal Canadian Legion, the Ladies Auxiliary and the Order of the Eastern Star show my desire to improve the lives of others. This past year, our Cobourg chapter of the Order of the Eastern Star has been able to raise over \$20,000. This money has been distributed to various local, provincial and national charities. My work within the chapter so impressed certain officers of the Grand Chapter of Ontario that I was honoured with an appointment as Grand Page for the Grand Chapter of sessions that will take place in Toronto in August of this year.

On a personal level, I have a great deal of time to devote to a new venture as my children are all grown up. My youngest is in her last year at Trent University and my two boys have completed their studies and are now both working. I will be available to travel as much as this position demands. My husband is also very supportive of my endeavours.

I thank you very much for taking time to listen to my presentation and welcome the opportunity to serve the people of this great province as a member of the Social Benefits Tribunal.

The Chair: Thank you very much. We begin the questioning with the official opposition.

Mrs Dombrowsky: Good morning, Ms Buckley-Routh. Thank you for coming this morning. I've had an opportunity to review your resumé. Perhaps you could explain—you probably heard me ask the previous intended appointee—how it is that you've come to be here this morning.

Ms Buckley-Routh: As I said before, I've been translating and I've been doing it from home, but I'm a social person. Right now, people send me stuff; I get it from all over. They send it by e-mail and I send it back, and I meet them maybe once a year. So I was looking forward to interacting with people, because I miss my years of teaching. When I came to Ontario, I couldn't teach any more. Therefore, I decided that I would branch out and use some of my skills. But I found that to me it's not a real job, translating. It just doesn't offer any challenges. So about four months ago, I went to my local constituency office and I said to—

Mrs Dombrowsky: And that would be who?

Ms Buckley-Routh: That was in Cobourg, and I met Mr Boreham, my MPP's executive assistant, and I told him of my interests.

Mrs Dombrowsky: Your MPP would be who?

Ms Buckley-Routh: Dr Galt. I told him of my interest in using my skills to the benefit of the government of Ontario and the people of Ontario. He told me to bring my CV to the office, so I did. When this position became available, I was contacted. I wasn't sure, so I went to the Internet and checked the social benefits Web site. I found it absolutely fascinating that I could possibly help some disadvantaged people, because as a child, my father having died when I was five months old without any insurance and my mother having to—you know. So I felt I could help.

Mrs Dombrowsky: So you didn't have any particular interest in the Social Benefits Tribunal, but you wanted a job?

Ms Buckley-Routh: Not prior to that; but when I saw that, I was so interested that I told Mr Boreham to forward my CV to the Public Appointments Secretariat.

Mrs Dombrowsky: Do you find it unusual? There are lots of people in my riding looking for jobs. They don't usually come to my office. I'm just curious why you would have gone to your MPP to look for a job.

Ms Buckley-Routh: I'd been applying to different places prior to that, and I decided to take the bull by the horns and basically see if I could get myself a little bit known by going to the office.

Mrs Dombrowsky: Are you involved politically otherwise?

Ms Buckley-Routh: No. I'm a member of the PC Party, but I—

Mrs Dombrowsky: You are a member of the PC Party. Have you worked on a campaign, have you

worked on a nomination, have you been a member of the executive?

Ms Buckley-Routh: No.

Mrs Dombrowsky: Have you made a commitment to this campaign?

Ms Buckley-Routh: No, I haven't.

Mrs Dombrowsky: You haven't; you're just a card-carrying member?

Ms Buckley-Routh: That's right.

Mrs Dombrowsky: So you were known as a member when you entered the office?

Ms Buckley-Routh: I had met Mr Boreham before, and I had met Mr Galt because I've been to information sessions.

Mrs Dombrowsky: I certainly can appreciate it when you explain that you would have a need for more social interaction in your place of work. The Social Benefits Tribunal, however, in my opinion, is a very important body. It is a quasi-judicial body that will require you to fulfill a role as an adjudicator. I was just wondering if perhaps you could explain to me any of your life experiences up until now where you would have had some experience in an adjudicating role?

Ms Buckley-Routh: I'm not very good at giving speeches, but for many years I was a judge at a speech contest. Even though I knew some of the participants, I did not favour them. I kept very impartial. So I think I can be very impartial no matter what. As I told you before in my presentation, I had to handle my children in the classroom. As a mother, you'd like to give them all 90s or 100s or whatever, but as a teacher, I had to remain impartial, and I marked them as I would anybody else.

Mrs Dombrowsky: Were you a hard marker?

Ms Buckley-Routh: Pardon?

Mrs Dombrowsky: Were you a hard marker?

Ms Buckley-Routh: Well, some people may have thought so, but I thought I was very, very good. Actually, I still keep in touch with a lot of my former students. In fact, I just got a call about a month ago from a former student who told me I was her mentor. Her parents had been on welfare, and I had guided her as her teacher and encouraged her to finish her studies and move, because where we lived, there were not many opportunities for young people. She's in Ontario and has been working for the last 15 years or so.

Mrs Dombrowsky: Are you aware that when people arrive at the Social Benefits Tribunal, it is sort of a court of last resort for them?

Ms Buckley-Routh: I am aware of that, yes.

Mrs Dombrowsky: You will be hearing about some very desperate personal situations. If I could ask you, what is your opinion of the social welfare reforms that have been undertaken by this government?

Ms Buckley-Routh: Well, the receipt of social assistance benefits is really intended to be a temporary measure leading to employment. If it's made too appealing, it will encourage more people to want to live that way.

1050

Mrs Dombrowsky: What if you're disabled, though?

Ms Buckley-Routh: I have no problem with anybody disabled who needs any help.

Mrs Dombrowsky: Are you aware there has not been an increase for folks on disability for 10 years?

Ms Buckley-Routh: Yes, I am. I don't make the rules; I have to live by the rules. If I could change the rules, I would, but my job at the Social Benefits Tribunal is not to try to change the legislation in place, it's to try to work with it and to try to find leeway where I can help the clients while respecting the laws.

Mrs Dombrowsky: I'm sorry, I did interrupt you, and I know that Mr Gravelle has a question, but again, if I could clarify your opinion on the social welfare reforms undertaken by this government, do you think they've done a good job? Do you think they've gone too far? Do you think they've not gone far enough?

Ms Buckley-Routh: This is a hard question because I think it—

Mrs Dombrowsky: Time is passing. Maybe Mr Gravelle—

Ms Buckley-Routh: I'm just not too sure. I'd like to tell you that when I get the training, I will try to get as much information to be as good in the position as I can be. Right now I'd rather not put myself in the position of expressing a view which is not really my position. I would like to find out from the chair or whoever is doing the training what are the leeways and what are the things that I can do for the people.

Mrs Dombrowsky: I would only suggest that in your role on the tribunal as an adjudicator you will be faced with a similar kind of situation that I just placed you in, where you will have to make a decision, you will have to have an opinion and you will have to make a choice.

Ms Buckley-Routh: I will, but I will not have to make a decision; I will have time to review my decision. I have 60 days after—well, within a 60-day limit—to review my decision. So this time gives me time to check the laws, to review not only the person's case but also the office or—

Mrs Dombrowsky: But I asked you about your opinion on this government's reforms, so it's not about a case.

Mr Gravelle: Good morning, Ms Buckley-Routh. We bumped into each other on the way into the building this morning, and I tried to tell Ms Buckley-Routh that she needn't be nervous and that she should just be herself. She said she tended to be very straightforward, which is really what we are looking for.

How you feel about the policies of a government really is significant when you're going to move into a position such as this. These are significant positions within the government. They pay significantly. That's why it's important to us to find out how the appointment comes about, but it's also why we think it's so very, very important to get a sense of how you feel about things. There have been—obviously in my position—some social assistance reforms that we think have had, in many

cases, a devastating impact on people who are trying to receive assistance. I can think of a number of examples.

The question I'll ask you first is, are you familiar with all the reforms, changes to the system, that have taken place since 1995?

Ms Buckley-Routh: Yes, I am.

Mr Gravelle: Would you feel comfortable, if the appointment goes through, speaking out in opposition to something if you think it's unfair, or do you feel simply, "I've got a job to do. I'm not going to express any opinion"? What is in your heart?

Let me give an example: the fact that liens can be placed on the homes of social assistance recipients, people who have a home. If they've collected more than 12 months, they've got a lien. That's one that I know my colleague Ms Dombrowsky particularly raised in the Legislature. To us it was a horrifying thing. Talk about a disincentive in terms of the future. Do you have an opinion on that, for example?

Ms Buckley-Routh: I'd like to have an opinion. As a teacher, I would be straightforward with you, but if I go by what it says on the jurisdiction of the tribunal, as per subsections 67(1) and 67(2) of the Ontario Works Act, I am not to inquire or make a decision on an act or regulation concerning the constitutional validity of a provision of an act or regulation or the legislative authority for a regulation made under an act. So I have my hands tied.

All I can hope is to do the very best that I can. Of course I am very supportive of people who are in dire need, and of course I don't want to see anybody with no food or no shelter, and of course if money was not an object and the government had lots of money, it would not be a problem for me at all. I just say that I will be under certain guidelines that I will have to follow.

Mr Gravelle: I appreciate what you're saying, and I also appreciate that you received fairly precise instructions as to what you can and cannot say today, and I notice you're referring to notes even in terms of some responses.

Ms Buckley-Routh: I checked this on the Internet. I found this on the Internet. It just gave me an idea of where I was supposed to be and what I was supposed to do.

Mr Gravelle: But I trust you'll appreciate also why we think it's very significant as to what your position is on the system. In other words, if you believe that all the reforms to the system that have been made are excellent reforms and everything else, it would impact on some of the decisions you make. So we are genuinely and honestly, and I think appropriately, curious as to your position on things. Again, I think you're being sort of advised as to why you can't say it in terms of doing that. But I think it is very significant to us. So let me try one more question if I have a little more time.

The Chair: That's all you'll have time for.

Mr Gravelle: OK. Would you say, on a personal basis, that you do support, at least in a general sense, the reforms the government has put through in terms of changing the social assistance system in this province?

Ms Buckley-Routh: I do, but, like I said, I'm not the one who made the laws; I have to work within them in my role as a member of the Social Benefits Tribunal.

The Chair: That completes your questioning, Mr Gravelle. We now move to Mr Martin.

Mr Martin: Good morning. Do you have any legal training?

Ms Buckley-Routh: No, I don't. You can tell, can't you?

Mr Martin: It isn't a requirement for this job. Do you have any experience in arbitrating at all?

Ms Buckley-Routh: I've been a member of the Legion, and being a member and an officer of the Legion, of course we've had to arbitrate at meetings and discussions on disagreements. As a teacher, I've had to make students come to an agreement about some disagreement or cases of bullying or whatever it is. I've had opportunities to act as an impartial person trying to help people come to an agreement about something.

Now, this position is a little different, but I feel I could do a very good job, because I think I can empathize with people. Even though I may be stuck in certain parameters of the law, I can still be objective and impartial and give them a fair hearing.

I have a professional attitude, first of all. I like to be ready. I would read up on whatever, and once I've heard their case and heard from the office that turned them down, I would look at it very objectively and try to find a way to possibly be in favour of the client, because I don't like to see anybody in dire need.

Mr Martin: Are you familiar with the legal provisions outlined in the Ontario Works Act?

Ms Buckley-Routh: Yes, I am.

Mr Martin: What would or would not constitute a fair application of those provisions?

Ms Buckley-Routh: In the Ontario Works Act, you provide temporary income support for people who are looking for a job. It is meant as a stop-gap measure. Also, as a person who has been poor, I think you have to think about people's pride. Welfare demeans people in a way, because a lot of times you lose your pride. You lose some of your pride in yourself as an active member of the community, and I believe that Ontario Works encourages placements, which makes people feel good about themselves.

Talking from experience, I can tell you that when I was 15, I was on my own. I could have gone on welfare, but I chose to support myself, so I had a job. I worked about 20 or 25 hours a week and supported myself and felt good about myself. If I had been on welfare, I don't know if I would have gone to college and I don't know if I would be the person I am today.

1100

I think the government's view of encouraging people to really get out there and try it—because sometimes it's just being afraid, just like I'm afraid of being here today. But it's just that people who are on welfare would be good if they were encouraged. This reform encourages people on welfare to want to get out there. Maybe they

have to at first, and then after a while, they get experience, they get skills through placements and they can possibly have a wonderful job and feel good about themselves. I read somewhere that about 54% of people interviewed after they were off welfare said they were better off off welfare because they felt better about themselves, even though they may or may not have as much money as they had before. This is my view on Ontario Works.

Mr Martin: But it's been my experience, and certainly anything I read indicates, that most people who find themselves needing to go on assistance are only there for a short period of time, because nobody wants to be on that system. Most people who end up in need of support are anxious to get to a point where they are independently looking after themselves. However, there are some people out there who will never be able to support themselves, and yet the levels of income and the rules are such now that accessing those levels is becoming more and more difficult. Is that a problem for you?

Ms Buckley-Routh: As I said, I really feel for people on welfare. I know my position on the tribunal is not a very easy position. I'm sure I am going to be stressed, and a lot of times my heart will be feeling for these people on welfare when I feel they need more support or they need more help. I like to think there would be some other people who could help them also, like the case-worker helping them find other venues to get themselves in a position where they possibly could support themselves. Now of course there are some who are sick, and I have no problem with those people receiving social assistance. But I think that able-bodied people should be able to support themselves. If it's temporary, that's fine. If you have hard luck for a little while, it's OK to help them. But they shouldn't look at it as, "OK, now that I'm on social assistance, I don't have to look for a job for the rest of my life. I'm all set." That's how I feel.

Mr Martin: So it would be your view that that's the attitude of most people on assistance?

Ms Buckley-Routh: Not most, just some people.

Mr Martin: What about people on Ontarians with Disabilities Act support, that program? Are you familiar with the legal provisions surrounding that?

Ms Buckley-Routh: Yes. I'm aware that provides income and employment support.

Mr Martin: What in your view would constitute a fair application of those provisions?

Ms Buckley-Routh: What do you mean by what constitutes a fair—I can't answer that right this second. I'm aware of the law; I just don't know yet exactly how I can work within the law. When I do get my training—I was talking to the chairperson of the Social Benefits Tribunal and she said, "There's a four-weeks training where it tells you exactly where the leeway is and exactly what to expect."

Mr Martin: Let me help you, then. In answering my question on Ontario Works you had talked about making sure people understood that this was just a temporary situation and you wanted to make sure that nobody

became addicted to welfare and that it was a program that was simply there to help people over a difficult time. I sense that there was some question in your mind as to whether in fact they really even needed that because welfare tended to make people feel less about themselves. What about the Ontarians with Disabilities Act support? What would your view be of those folks?

Ms Buckley-Routh: I feel totally different. People who are disabled I think are entitled to whatever the government can give them to help them, whether it be income and employment supports, whether it be anything to effectively serve them, if they need assistance. It could be finding them a job. But I recognize that government and communities and individuals share in the responsibility to help them. As a member of the Eastern Star—we've raised money and given to homeless shelters. I won't name all the different charities we've given it to because we've got quite a list. I would think that disabled people have a hard enough time and I would be more open to their need for social assistance.

The Vice-Chair (Mr Michael Gravelle): Members of the government, any questions?

Mr Wood: We'll waive.

The Vice-Chair: Thank you very much, Ms Buckley-Routh. We appreciate your being here. You may step down now. We'll be voting on your appointment later.

PETER ROBERTSON

Review of intended appointment, selected by official opposition party: Peter Robertson, intended appointee as member, Workplace Safety and Insurance Appeals Tribunal.

The Vice-Chair: We'll move on to our next appointment. I call forward Mr Peter Robertson, intended appointee as member of the Workplace Safety and Insurance Appeals Tribunal. Good morning, Mr Robertson. You certainly will have an opportunity, if you wish, to make some opening remarks. We'll then begin the questioning by the three parties, and I believe we'd begin with the third party. If you want to proceed, please feel free to go ahead.

Mr Peter Robertson: Thank you. Good morning to committee members. I am pleased to present myself as a candidate for the appointment to the Workplace Safety and Insurance Appeals Tribunal. After brief opening comments, I'd be pleased to answer questions to the best of my ability.

I've had a varied and challenging career that included, first of all, teaching at the secondary school level in Etobicoke, then acting as a family life education consultant for the Toronto Board of Education, where we innovated, in the 1960s and 1970s, the family life and sex education program. At that time I did some writing of several teaching materials and spoke extensively at conferences and teachers' workshops.

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Recently I have been in politics at all levels in municipal politics, first starting as a local alderman and on the

planning board, then progressing to the regional council. For the last three terms of my time in the city of Brampton I was elected as the mayor in a very fast-growing community. It was always a prominent town, but more recently it's the 13th-largest city in Canada, with a population of over 300,000.

During that interesting and highly responsible career I developed judgment and discretion and an appreciation for people in all walks of life. Brampton in particular is as multicultural as any community in Canada. I believe I left an impression of a fair-minded and caring leader and an educator with an abundance of patience.

In each segment of my life I've served people and therefore I would like to continue to serve people in Ontario. If I'm given that opportunity, I'll do it in this particular realm.

I think that's all I need to say. I'd welcome your comments.

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

Mr Martin: I'm just wondering: do you have a particular political affiliation?

Mr Robertson: Traditionally I've been Conservative, fiscally conservative particularly in terms of the policies that attempt to be frugal with taxpayers' money. For five years the city of Brampton, for example, under my leadership, brought in a 0% increase, which wasn't easy because of the cutbacks that were occurring at the municipal level.

I recently attended some fundraising events and have traditionally attended fundraising events for all parties, most recently the Liberal Party. When I was mayor I attempted to work with the government in power. I had some dealings with Mr Rae and Mr Peterson and most recently the Conservative government, so I think I'm balanced in that sense.

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

Mr Robertson: I am from time to time. I don't think my card is up to date with the Conservative Party, but if somebody makes an appeal to me I might consider that. As I say, I've attended and given money to parties other than Conservative when the merit of the individual or a friendship had developed.

Mr Martin: Do you have a relationship at all with any of the sitting members—your own member or cabinet ministers in this government?

Mr Robertson: A relationship in knowledge, yes, but no further than that. I attempted aggressively to lobby the government at the time to get involved in different aspects of the growth of the city, so most recently the Conservatives, which is the party in power. I chased after Tony and Joe and Raminder for the benefit of the constituents of Brampton. A long time ago in Brampton Bob Callahan was the member and I think I'm on as personal terms with him as any individual.

Mr Martin: Are you aware of some of the problems that vice-chair appointees to the tribunal have had doing their job?

Mr Robertson: I am not. I'd like to be considered for the vice-chair position but I think today's interview is

just as a member. I don't know the rationale for that but if it is vice-chair, that would be great.

Mr Martin: Full-time members are often referred to as vice-chairs. Am I correct in that?

Interjection.

Mr Martin: Anyway, that's OK; it's neither here nor there. The reason I ask you that is that I have some real concern, because the government appointed a fellow by the name of John Koutoulakis as a part-time vice-chair, which I think would be similar to the job you're taking on, of this appeals tribunal. He was appointed by the Minister of Labour of the time, Chris Stockwell. He heard 23 cases, delivered a verdict on five and left 18 others unresolved. Of the five, the verdicts were delivered between 50 and 128 days late, when in fact they're supposed to be delivered within 120 days, which to me seems to be a significant amount of time. For the 18 others who put appeals to him the wait was even longer. After he quit to join Stockwell at the Ministry of Energy and Environment, these workers were left waiting, most for over a year. Some workers were even forced on to social assistance while this gentleman travelled with Mr Stockwell in Paris. While vice-chair, Mr Koutoulakis also attended the PC leadership convention as a Stockwell supporter, a violation of the Public Service Act, which demands political neutrality on the part of adjudicators at the tribunal.

I would hope that we won't turn around tomorrow, if your appointment is approved here today, and find out that this is the kind of behaviour you would be involved in.

Mr Robertson: My reputation over 30 years, as a professional at the University of Toronto and as a politician and then mayor—I value very much the integrity of being in a publicly elected position and I follow the rules. The example you gave of not being conscientious: I'm a stickler for getting the job done. When we were in the city of Brampton, it bothered me when somebody leaned on the shovel and didn't put in an honest day's work, so I don't think you'll find those problems with me, Tony.

Mr Martin: OK. Are you familiar with the legal provisions outlined in the WSIB Act?

Mr Robertson: Briefly, I simply had an interview with Ian Strachan and I received eight pages of summation of what is involved. I understand that a training process would follow. I believe that the staff do a lot of the work-up of the different cases, and when it comes to the tribunal, it's a matter of good common sense and caring and reading those particular reports. So I don't know in detail the legalities of it except what I've picked up along the way as an interested municipal politician.

Mr Martin: Having looked at the limited material that you've been given and considering this appointment, do you have any thoughts in your mind of what would or would not constitute a fair application of the legal provisions of that act?

Mr Robertson: I think I would read each case judiciously. I've never had trouble making decisions before. Sometimes the decisions are hard ones, but you weigh

what is fair from a personal point of view, from the person in front of you, and then do what you think is right for them.

Mr Martin: A few minutes ago you indicated to me that you like to see things get done—you're not somebody who leans on a shovel, was your comment—and you understand that people who come before you are going to be waiting for you to make a decision so they can get on with the decisions they need to make. Given that this is a part-time or half-time position, are there any commitments in your life that would hinder your ability to deliver a verdict on time and quickly?

Mr Robertson: Absolutely not. I'm doing some consulting work in the automotive sector, in the real estate sector, I have grandchildren, I have a cottage in the Ottawa Valley that I love and I have a mother who is still alive at 92 and would like to spend some time with her. But when I say I'm available Monday, Tuesday and Wednesday or Friday or map out the schedule of time I have, it's dedicated to the government of Ontario.

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Mr Martin: What are your impressions of people who can't work because of injury?

Mr Robertson: They need some financial assistance; and likely more than that, they need some kind of counselling for lifetime adjustment, feeling good about themselves.

Mr Martin: OK. Do you think there's a lot of fraud in the system?

Mr Robertson: I imagine there is some fraud but generally I think there's not a lot of fraud. People often say things like that when they're frustrated with the system, but when you dig deep into it, it's usually just a human problem and not fraudulent.

Mr Martin: You're aware that this is a position that requires political neutrality?

Mr Robertson: Yes.

Mr Martin: Would it be your plan to not be involved in any way, shape or form in political activity while you had this job?

Mr Robertson: If those were the requirements, of course, and they are, so I will not be politically active. I've retired from politics. I made a decision not to run again for the city of Brampton council and provincially. So I'm not political in that sense, but I'm passionately involved in the community and the decisions that are made and I express my opinion. People know that, and likely I won't change different points of view. I don't always speak the party line, whatever that is, and that gets me into trouble sometimes. It's my independent upbringing. My mother always taught me to speak up and make a difference.

Mr Martin: Thank you very much.

The Chair: We now move to the government caucus.

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

The Chair: We move to the official opposition.

Mrs Dombrowsky: Good morning, Mr Robertson. I was going to ask you about the fact that it indicates that in the year 2000 you ceased to be the mayor of

Brampton. I'm just curious, however: you were on regional council until 1991 and then you were elected to three terms following that?

Mr Robertson: Yes.

Mrs Dombrowsky: You chose not to run in the year—

Mr Robertson: No, I got beaten by I guess a better person who put themselves forward to the public.

Mrs Dombrowsky: So you were defeated then in the year 2000 in that role?

Mr Robertson: Yes.

Mrs Dombrowsky: When you told my colleague Mr Martin that you were not interested in running, that would be for the upcoming municipal elections?

Mr Robertson: Yes. I made that decision to get on with my life.

Mrs Dombrowsky: You indicated you had no interest in running municipally or provincially.

Mr Robertson: Right.

Mrs Dombrowsky: Have you been a candidate before?

Mr Robertson: A candidate for?

Mrs Dombrowsky: We know municipally, obviously, but were you a candidate provincially or federally?

Mr Robertson: No, I never was.

Mrs Dombrowsky: I always ask the question, or at least I look for an answer to a question I always have with intended appointees: how is it that you have come to be here today as an intended appointee on the WSIAT?

Mr Robertson: I think I'm too active, at least my mind and body are too active, to retire. I'd like to find a challenging day-to-day existence. I've been doing that a little bit in the free enterprise world and I'd like to serve the community.

Mrs Dombrowsky: But how did you get here today? How is it that you're here? I appreciate that you have an interest in serving your community and so on, but can you explain how it is that you were aware—

Mr Robertson: I can tell you exactly: I met Carl DeFaria a month and a half ago, or longer, and he said, "What are you doing?" I told him what I'm doing, and he said, "You have some skills; your wife has some skills. You should put your name forward for some government appointment." My wife was a citizenship court judge at one time. So I did. I put a resumé in. I sent it to Carl, as opposed to my local Brampton member. I was kind of flattered that somebody outside my riding cared about me and, I guess, judged that I'd do a good job. So that's what happened. In time, I had an interview with Ian Strachan, and I thought I hit it off well with him, in that he described the professional nature of how they've brought the number of cases down or are doing that in a manageable way, and I said I'd like to spend some time with him.

Mrs Dombrowsky: Can you explain how Mr DeFaria would have known you? When you say you met him, was it at a social function, was it in some official capacity?

Mr Robertson: I have known him for 20 years or more. He was a lawyer who had Portuguese clients in the

Brampton area—Brampton has a large group of Portuguese Canadians.

Mrs Dombrowsky: Did you say your wife was a judge?

Mr Robertson: A citizenship court judge. So with that connection, with her visiting different ethnic groups on a regular basis, both of us, JoAnne and I, started a multicultural festival in Brampton 20 years ago, and the Portuguese community was one of the first groups—there were only four pavilions 20 years ago. We worked it up to about 20—21 in its heyday—and it still exists today after 21 years of going. So I knew Carl from that Portuguese connection.

Mrs Dombrowsky: Was he specific with regard to this particular tribunal, or did he just think you should apply for some kind of order-in-council appointment?

Mr Robertson: I think in my initial letter—I believe in the smart growth philosophy, and I put my name forward in that sense, in terms of saying perhaps that in my experience with trying to encourage the government of the day to look at smart growth initiatives, I sensed the public believed that growth was moving too fast in my community and something needed to be done. I thought that might be a place. Being a university professor, I mentioned that if there was an appointment in the educational field, that might be of interest.

Mrs Dombrowsky: You really have answered my question: basically you were approached by a member of the government to put your name—

Mr Robertson: Just to put in an application, and I did.

The Chair: Mr Gravelle.

Mr Gravelle: Good morning, Mr Robertson.

Mr Robertson: Good morning, sir.

Mr Gravelle: You did indicate, when you were speaking or being asked questions by Mr Martin, that you would hope to be a full-time vice-chair.

Mr Robertson: Not full-time. When I was reading the information that was given to me, it said—and I think I can pull up the page—that sometimes a vice-chair is given a case to adjudicate individually and sometimes it goes to a tribunal. My conclusion from reading that simple line was that maybe I would be busier, maybe I would be called more frequently to adjudicate as an individual person.

Mr Gravelle: I see.

Mr Robertson: I'm assuming, rightly or wrongly, that being on the panel I might not be requested to come forward as many times.

1130

Mr Gravelle: I understand. I wasn't entirely clear and I appreciate that clarification. But if you had been offered a position as a full-time chair, would you have accepted that?

Mr Robertson: I might very well.

Mr Gravelle: There is that issue of people who are qualified. These jobs are of some real complexity and require some background that would be helpful. You may have been asked this already, and I apologize for leaving

the room for a short period of time, but do you feel you are indeed qualified to manage this responsibility?

Mr Robertson: Yes, sir. After being defeated and terminating my political career, I went back to school and got an advanced certificate in mediation. I think the mediation skills I was practising on a day-to-day basis when people came into my office, whether they were staff conflicts with the public or public conflicts with how government was going, could apply in a general sense to the task here. I believe I'm well qualified.

Mr Gravelle: I do want to ask you one more question. Mr Chair, I just want to know if you can give me a one-minute warning.

The Chair: You have one minute.

Mr Gravelle: I'm at the one-minute warning already?

I certainly wanted to ask you more questions about WSIB, because I think it's one of the most difficult agencies to deal with. Certainly as a provincial member, I think all of us here, of all three parties, would agree that it's often difficult for us as members to help our constituents because of the complexity that's involved in WSIB, previously workers' compensation, cases. So I hope you can help move this process forward more quickly.

But I wanted to ask you a question as a former municipal politician and mayor of Brampton. What do you think of the government's decision to require municipalities to hold referendums in order to have any tax increases in their municipalities? I know there's certainly been a lot of strong feeling about this from all municipalities and—

Mr Frank Mazzilli (London-Fanshawe): On a point of order, Mr Chair: I just want to correct "the government." It's a political party that's put this forward; it really has nothing to do with a government intention or bill. It's part of a platform. We can discuss the Liberal platform. We can open a big discussion here on platforms.

Mr Gravelle: I appreciate the clarification. I just thought Mr Robertson would have an opinion on that, having been a municipal politician who obviously, as he made clear, worked hard to maintain no increases for his citizens. I'm sure he has an opinion about this political party position.

Mr Robertson: There were two parts. You warmed up with a question about my opinion about workplace injuries. I can tell you that Mr Zorato, a constituent of mine who was injured, and his wife were having a great deal of trouble getting through workmen's compensation at the time, and I spent some time in my office attempting to help Mr Zorato get a fair hearing.

Your last question I don't shy away from. I know the present—

The Chair: You never have, Peter, on anything.

Mr Robertson: Do you remember?

Mr Gravelle: I had a hunch you wouldn't shy away from it.

Mr Robertson: The present council has petitioned the government not to do that. I suspect it's because they've

cranked up a whole lot of tax increases since I left. I think it's not a bad idea. The Americans, even in their school system, have to go to the public to raise money. It's a way of saying to the people, "We can't manage with the finances we have, and we need to come to you because we need to raise your taxes."

The bigger picture, if you want to know it, is that there's no government in the world, other than the Ontario municipal structure, that doesn't get regular funding from both other levels of government. When I went to see a mayor in Germany or my daughter went to school in Chicago, I always asked the question, "Where does your pie come from?" One third of municipal funding comes from the taxpayers, one third comes from the province and one third comes from the upper level of government in most countries in the world. It's a shame that the structure in Ontario, whether it's Liberal, Conservative or NDP, hasn't shared the pie. I don't know how the hell we can build roads or provide public transit or public housing and serve the needs of the average person in our community until we get a cost-sharing formula.

Mr Gravelle: I would love to carry on this conversation. I suspect I can't.

The Chair: You have no more questions. Your time is cut off. The only reason you got extra time was because Mr Mazzilli had an intervention, so that prolonged it a bit. It's always good to hear from Mr Mazzilli. I always find it good to hear from him.

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

Mr Robertson: Just before I go, have a good summer.

The Chair: Thank you kindly.

RALPH HUNTER

Review of intended appointment, selected by official opposition party: Ralph Hunter, intended appointee as member, Regional Municipality of Peel Police Services Board.

The Chair: Our next intended appointee is Ralph Hunter, intended appointee as member, Regional Municipality of Peel Police Services Board.

Welcome to the committee, sir. You may come forward. As you know, you have an opportunity to make an initial statement if you see fit, and then there will be questions from members of the committee.

Mr Ralph Hunter: Thank you, Mr Chair and members of the committee. I just have a short introduction. I think you've all been supplied with my resumé, and this is somewhat a repeat of that.

I am honoured to have been nominated to the Regional Municipality of Peel Police Services Board. I have lived in the region of Peel for my entire life. I lived in Brampton, and for the past 43 years have lived in Streetsville, which is now part of Mississauga.

My business background has been in general insurance. I owned and operated a general insurance brokerage in Mississauga for 40 years. After selling it in 1998, I

joined my partner in a company we had formed in 1994, providing financial services and estate planning.

My community service has included membership in the Streetsville Rotary Club for the past 34 years. I'm a past president and a Paul Harris Fellow. I'm a past member of the Streetsville planning board, a past chairman of the Streetsville parks and recreation committee, past president of the Mississauga Insurance Brokers Association, a current vice-chairman of the Mississauga Living Arts board of directors and a past chairman of the business affairs committee. I am a recipient of the Queen's Jubilee Award.

During a conversation with the mayor of Mississauga—I'm sure all of you folks know that's Hazel McCallion—she suggested I consider submitting my name to the Ontario government's public appointments committee, indicating my interest in the police services board. I had worked with her on different boards and committees, and she felt I had some experience that would be of some benefit to the board. I submitted my name in 2001 and again in 2003. I have an interest in the safety and welfare of our community and a passion for our community. The police service is one of the pillars that provide that.

I believe my business experience, coupled with my community service background, equips me to make a positive contribution to the Peel police services board.

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

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

The Chair: The government has waived its time. We now move to the official opposition, and Mr Gravelle will begin.

Mr Gravelle: Good morning, Mr Hunter. You made reference to speaking with Mayor McCallion about this. Did you speak to anybody on the government side, any provincial members or ministers, related to this potential appointment?

Mr Hunter: I have spoken since then with Mr Rob Sampson and Minister Tony Clement.

Mr Gravelle: They were obviously encouraging you to go forward as well, then.

Mr Hunter: Yes.

Mr Gravelle: May I ask if you are a member of any political party?

Mr Hunter: I'm a member of the Mississauga West federal Liberal association and a member of the Mississauga West PC association.

Mr Gravelle: Do you have any plans to get very involved in the upcoming election campaign provincially?

Mr Hunter: No, I do not.

Mr Gravelle: Not at all?

Obviously, the Peel regional police force is a huge police force. It's the second-largest municipal force in the province and therefore there are some major responsibilities. I am curious about your thoughts on a number of issues. What do you think are the key issues in Peel region? It's obviously a vast area, and also takes in

Caledon I understand, which is administered by the OPP. But can you, in summary form, give me a sense of what you feel are the key issues that need to be dealt with?

1140

Mr Hunter: I think there are a number of them, but again, I'm not briefed on the issues inside the police department. Unfortunately, I've been on vacation. I came back yesterday and I received some of the questions you folks might ask, so I've been trying to pull it together but, unfortunately, I haven't done a very good job of that.

But at any rate, my observations through the media and so on are that the expansive growth that we've had, of course, has meant making sure we're hiring the right people, putting all the right policies and programs together. Peel Regional Police has a great community education program, which I think is a good way to prevent crime. I know they currently have a problem with marijuana grow houses. They're having some difficulty knowing just how to police that. It's somewhat legal to have marijuana but there's no distribution channel, so the police departments I think in general are having a problem with that. Pornography, Internet crime and the airport serve well for bringing criminals in from around the world, so they have a vigilant eye on that.

Mr Gravelle: I appreciate that in the short time you've had to prepare for this, you've done some work on it. One of the issues that is certainly very controversial and of great sensitivity and, I think, of great concern is the issue of racial profiling. Can you tell me, just based on your understanding or even your history in the community and in the region, what is your sense of the issue of racial profiling? I know that Lincoln Alexander, our former Lieutenant Governor, was involved in that process and there has been some real expression. Do you think racial profiling exists, I guess, is the pretty straightforward question to ask you?

Mr Hunter: No, I do not.

Mr Gravelle: You don't?

Mr Hunter: Not in the region of Peel. I've never seen or heard of any of it through the media. I did pose that question to the chairman some while ago and there is a policy in place with the region of Peel against that and it's fairly strictly adhered to. I think it is adhered to.

Mr Gravelle: So you think it may exist somewhere else in the GTA? This is very tricky stuff, but obviously racial profiling is something that needs to be addressed. It's out there and many of us are very concerned that indeed it is. So I'm interested to hear you say that within Peel, which is a huge area, you think it absolutely doesn't exist.

Mr Hunter: I don't think so. Again, obviously there might be the isolated case, but I've certainly never seen it, I've never read about it, it's never been in any of the media. I've always been well involved in the community, so I'm sure I would have heard it if I thought there was a problem. In Toronto, of course, I've read all the media reports on that and Lincoln Alexander's committee reports, and I have no opinion on whether there is or there isn't.

Mr Gravelle: But do you consider it an issue that would need some exploration? If indeed you are, after today's interview, appointed, is it something that you would consider an important issue that you might want to explore more deeply because, in essence, you've acknowledged that from where you stand you don't see it being an issue or concern—in fact, not existing—and I guess I would argue that indeed it might be something you might want to look into more deeply. But I'm curious—

Mr Hunter: No, I would oppose it.

Mr Gravelle: You would oppose—

Mr Hunter: Racial profiling.

Mr Gravelle: I meant would you make some effort to actually delve into the situation in terms of the Peel regional force itself; in other words, to look at it more deeply to make sure that indeed, as is your feeling, it doesn't exist—that's a fairly strong sense determined. Would you spend some time, perhaps as part of your responsibilities, exploring that?

Mr Hunter: I think I would if it were to surface. I'm not sure. In fact, I don't think I would go looking for it. If it came up through any form of complaints, then absolutely, because I think my own view, as well as that of the department, is that we're opposed to it.

Mr Gravelle: OK. Ms Dombrowsky?

Mrs Dombrowsky: Good morning, Mr Hunter.

Mr Hunter: Good morning.

Mrs Dombrowsky: Are you familiar with the new Youth Criminal Justice Act?

Mr Hunter: No, I am not.

Mrs Dombrowsky: I thought you might have received some of that information, if it is in the background.

Mr Hunter: Yes, if that's the entire act; I doubt it is, but yes, I did receive—

Mrs Dombrowsky: Then perhaps I could ask, are you familiar with the intent of—

Mr Hunter: Yes.

Mrs Dombrowsky: —the new Youth Criminal Justice Act, and are you aware of the reticence of this government to advance that?

Mr Hunter: Not in detail; I'm not that well versed on either the act or the—

Mrs Dombrowsky: Were you aware that the Attorney General did present the federal government with the "No more free ride for younger offenders"?

Mr Hunter: Yes.

Mrs Dombrowsky: I guess I would like to understand from you, in terms of your philosophy: do you believe that there is some benefit in considering alternative measures and processes when dealing with young offenders?

Mr Hunter: I feel awkward answering the question, knowing that I really haven't given it any thought or study. I think that whole youth crime area needs study. What they have attempted to do, by the appearance, is to separate the violent crime and non-violent crime, and I think that's a good thing. I sense that they're trying to remove some of these things, these crimes and charges,

from the courts and trying to settle some of them through mediation and other ways. I'm not sure how that's being done, only from the summary that I've received—and I support that.

Mrs Dombrowsky: Do you have an opinion around the fact that in Canada we send more youth to custody facilities than any other western jurisdiction?

Mr Hunter: I wasn't aware until I read it.

Mrs Dombrowsky: Did it leave you with an impression?

Mr Hunter: Yes: that's appalling.

Mrs Dombrowsky: It's appalling; so?

Mr Hunter: But whether that's from enforcement or lack of education, I don't know. Those are the things I would want to look at before really forming an opinion. There are a lot of things that I think contribute to that. Maybe we're being more aggressive in our enforcement than other countries; I don't know the answer to that. Maybe our justice system is not as sympathetic. I really just don't know.

Mrs Dombrowsky: Do you have an opinion on that more firm or severe trend in terms of dealing with young offenders?

Mr Hunter: No, I'm not in favour of that. I am of the violent and more serious crimes, yes.

Mrs Dombrowsky: So you think that would be an appropriate consideration. But for the less violent crimes, are you suggesting, then, that it might be appropriate to consider if there are other alternatives within the community?

Mr Hunter: Yes.

Mrs Dombrowsky: Are you familiar with the work of the John Howard Society?

Mr Hunter: Yes, I am.

Mrs Dombrowsky: I'd better be careful how I put this. I think that you would find some of their work very interesting, particularly in your role as a member of the police services board. I have had the opportunity to meet with representatives, and I think they do present a very interesting perspective in terms of some very positive considerations to be made in terms of how best to manage young offenders. Do you have an opinion on the fact that there does appear to be a reticence on the part of this provincial government to work with the federal government to implement and to enact some of these—I mean, the federal government has now given the provinces the ability to be somewhat flexible in managing young offenders in their sentencing. Do you have an opinion about the fact that this province has resisted that initiative?

Mr Hunter: I don't have an opinion. I'd like to understand the background to that before I form an opinion. The police services, of course, will adhere to whatever law is in place, and then it really is a justice system as to how they're dealt with after the police—so, no, I have not formed an opinion.

Mrs Dombrowsky: I'm just curious—

The Chair: Mrs Dombrowsky, your curiosity will not be satisfied because you are out of time. We will now move to Mr Martin.

1150

Mr Martin: I'm just wondering, I guess, besides the fact that I think you said Mayor McCallion suggested that you might want to be on this board, why it is—and you're obviously a very busy and involved person in your community—you would want to serve in this capacity at this particular point in time.

Mr Hunter: First of all, I think it's interesting, and secondly, I know two members who are now both off the board. I've talked to them about the work at the board, and they have found it interesting work. I just have an interest in it and an interest in our community. As I say, it's growing. I have grandchildren and children all living in Mississauga, and my mother and brother and sister all live in Brampton. We all have families.

Mr Martin: Are there any interests in particular that jump to your mind in terms of things you'd like to deal with or have resolved or move forward?

Mr Hunter: No, I have no agenda. I am sure that once I understand the workings of the board, I will form ideas that I would like to exercise. But at this juncture, no, I have not.

Mr Martin: You're probably aware that it is the second-largest police service in the province.

Mr Hunter: Yes.

Mr Martin: Your jurisdiction also takes in an area I believe that's covered by the OPP.

Mr Hunter: Yes, the north end.

Mr Martin: Is there any interest in you to explore perhaps the whole thing being one or the other?

Mr Hunter: At this juncture, no. Again, that may come to the table and we'll have to study it, but without study I would have no opinion on that.

Mr Martin: What particular gifts or talents or experience do you bring to this job that would suit you to the challenge?

Mr Hunter: I think my business background will bring fiscal responsibility to it, and I think my community service will bring some social conscience to it. If I can offer and abbreviate everything, it would be just good common sense thinking.

Mr Martin: Do you have any relationship at all at this point with the police chief or the police service itself that would be of any—

Mr Hunter: No, I do not.

Mr Martin: We had a visit by a number of the police associations before Christmas of this past year, and they indicated that they had some very real concerns around their ability to do their job, their safety in the job and the safety of communities. As you know, we see on a daily basis now incidents and things happening out there that would indicate that perhaps our communities are becoming a little less safe. They're suggesting that there's more money needed to be put in, that they need more police officers on the street. What would your feeling be about that?

Mr Hunter: If that's what it required, then I would support that. I think, though, that there's a number of ways and a number of things that the volunteer people in our community can do to contribute. I was just reading one in the newspaper this morning, out in Ajax where a ratepayers' association got a big radar thing and it had sort of a screen. You may have all seen it. As a car came down, it registered the speed of the driver. They can't lay any charges or anything, but it was their way of saying, "We know you're speeding." They recorded the licence plate, and the police department just accepts that. The second time that they're reported the police call them, and the third time they go with a ticket. Again, it's a volunteer group that is making some contribution to the safety of their community, around schools and so on. With demographics being what they are, there's just a number of people who are available who might be able to make some contribution in that fashion.

Mr Martin: In the last couple of years, there seem to have been major challenges presenting that perhaps were there before but they seem to have come to the forefront, some of them raised by the police associations, some of them raised by the chiefs of police, some of them just because of what's happened. I reference the proliferation of gangs out there and the renewed focus on the issue of terrorism after 9/11. Have you given any thought to how we prioritize our resources and deal with all of that at the same time as doing some of the things you just mentioned, like making sure people aren't speeding and that kind of thing?

Mr Hunter: Yes. Again, it's hard for me to form an opinion without having sat through a first meeting and listening to all of the concerns and trying to put any kind of a priority. All of what you've suggested should be priorities, but which one comes first? I just wouldn't know how to do that without sitting and looking at all the information.

Particularly in Mississauga, where the airport is, I think absolutely that terrorism is a prime concern, although I suppose you have to work with intelligence that you receive at the time and deal with the priorities; they may shift from day to day.

Mr Martin: Of course your jurisdiction will take in, I believe, the airport.

Mr Hunter: Yes, it does.

Mr Martin: So that would be a particularly sensitive area, I suggest.

Mr Hunter: Yes, it is. I think there's a lot of co-operation between the RCMP, the Ontario Provincial Police and the Peel Regional Police in terms of the airport, but nonetheless it is in our jurisdiction.

Mr Martin: Any comments at all about the politics that often sort of rears its head in the area of policing? You get the police association, you get individual members of the board who sometimes come forward as having a particular agenda or whatever, and then of course there's municipal councils themselves. How would you deal with some of that?

Mr Hunter: I think, again, to apply reason. We've experienced some of that at the Living Arts Centre in Mississauga, which is a city-owned facility. It's just a case of doing your homework, having the information, presenting it in the best light, and if they can pull it apart, they can pull it apart. But the bottom line is that if you've done your homework and your agenda is proper, then they'll accept it. I've been on that board six years now and we've had a fair amount of success with that.

Mr Martin: What in your view would be the most important piece of that whole sort of policing challenge that we confront?

Mr Hunter: I think there are two. Number one is the fiscal responsibility. I think that trying to keep the lid on costs is always a challenge. I think that communication and education are vital. Let the community know what is going on and if there's a way they can assist, either just by Neighbourhood Watch, taking the education into schools and into service clubs with speakers and so on, and just making everyone aware of what's going on around us, and asking and soliciting their assistance in being careful.

Mr Martin: From a couple of the answers you gave, you certainly seem to support and have an affinity for the issue of community policing, which I think is an approach that involves the whole community in actually working together to make sure that things are safe for everybody concerned. That concept seems to have slipped a bit, given the focus on terrorism and all those kinds of things. What priority would you give it and how would you see us recovering some of that?

Mr Hunter: In Peel region they have started. They've opened, I think it's three—maybe two, but I think it's three now—local community police service offices. There's one in Streetsville, there's one in Port Credit and I believe there's one now in Brampton. They're very open for the public to come in and inquire about a variety of things. There are automobile accident reporting centres as well, and you just go there and report your accident and so on.

I think they're making an attempt at it. At this juncture, I think it's still experimental, but again, until I'm on the board and can sort of get an eye on what I think is going on, then I really can't form an opinion on that either. But I agree with you, I think that we all need to kind of watch out for ourselves: me for you and you for me.

The Chair: And the last question, Mr Martin?

Mr Martin: That's it, actually. That's my last question. Thank you very much.

1200

Mr Hunter: Thank you.

The Chair: You may step down. Thank you very much for being with us today.

Do we have a unanimous consent, Mr Wood?

Mr Wood: I would ask unanimous consent of the committee to extend the times for consideration of the following people by 30 days: Julia Anne Shea, Roger Liddle and Georgina Beattie.

The Chair: Is that agreed by the committee? OK. Thank you very much, Mr Wood.

We are now going to proceed, with the permission of the committee, to consideration of the appointments this morning. Is that all right with the members of the committee, if we proceed with the appointments from this morning? OK.

First is Linda Nowicki.

Mr Wood: I move concurrence.

The Chair: Concurrence has been moved. This is for the intended appointee to the Town of Michipicoten Police Services Board. Got it right that time? Good.

Mr Johnson: Just say "Wawa."

The Chair: Wawa. I always think of it as Wawa; that's why. I've been to Wawa, a very beautiful place.

So that has been moved. Any comment?

Mrs Dombrowsky: I will not be able to support this intended appointee, and I was prepared to. However, I think when Mr Martin was questioning her, it was indicated that she has publicly had disagreements with the chief of police. I really question the wisdom of the government appointing someone who very obviously and publicly is at odds with the chief of police in a very small community. I come from a small community, so I can appreciate that and I believe there would be a poisoned environment there, and I'm sure a worry within the force around what kind of criticism might come from a member who has been so vocal in the past. For that reason, I will not be able to support this intended appointment.

The Chair: Any further comment?

Mr Martin: I don't for a second cast aspersions on Ms Nowicki's sincerity and willingness and certainly her work ethic. She has displayed that in many ways in the community of Wawa and shared that with us here today and was very forthright, frank and honest with her views and her opinions.

My concern, as Mrs Dombrowsky's, is that in this time when policing has become such a very obviously public and sensitive issue, when you consider all of the things that are coming at us today—as I mentioned to the deputant who was before us just previously, we have terrorism, and it affects every community, including Wawa. We have gangs that are moving through the province now setting up shop in various places and all that. We need to have police services boards that can work in harmony with each other, with the community and with the chief of police.

I'm not convinced that in this particular instance Ms Nowicki is going to be able to operate in that way such that some constructive and helpful decisions can be made as that town moves forward with some obviously difficult economic challenges as well as a responsibility to provide adequate and well-resourced and community-rooted policing. So I won't be supporting the appointment either.

The Chair: Any further comment?

Mr Mazzilli: I certainly will be supporting this appointment. I think it's important to have strong people on police services boards, and that's what we have here:

a person who obviously cares about her community. We've heard about some letter to the editor on a local issue. These are people who care about their community and have an opinion. I certainly don't think that is something that is detrimental to a person, to be able to speak their mind, to write letters to the editor on a certain position. What I heard is a person who has an open mind to the different options that face that community at some point in time.

My experience tells me that if you have a weak board, police chiefs certainly run the board, and if you have too strong a board, they run the chief, so it's quite a job for governments of the day to appoint a balanced board that both the chief and the community can work with. I think she'd be a great addition to that board.

Mr Johnson: I, like my colleague Mr Mazzilli, thought she was reasoned, seasoned and balanced. She had a healthy attitude toward it. First of all, she's a woman, and I think that's important to give balance on a police services board. She's been in business, and I thought that her background gave a lot of good, solid indication of a committed decision-maker and influential person in her community.

Also like Mr Mazzilli, I feel that the chief of police is a very, very important person in most municipalities. First of all, if he isn't a very strong character with a very strong personality and a good chief, his men will run roughshod over him. Policemen are not easy people to supervise. By their very natures, if they are good policemen and they're out in the public catching and looking after criminals—and the rest of us when we go too fast or whatever sometimes—they are not easy to supervise. They are not pussycats that you can stroke and so on. If they were that, they wouldn't be any good as policemen. So I think the police chief's job is very, very difficult. On the other hand, I think we need a very strong and influential board in order to give him the backup and the direction that the community deserves in the duties that we ask the police boards to perform. So I think she'll be a good addition to the police service in that area and I'm very pleased to be able to say that I want to support her appointment.

Mr Mazzilli: Just to add one thing to the record, we see many times, whether it's a two-year appointment or a three-year appointment—I believe that often we re-appoint people too many times, quite frankly. With these appointments, there's nothing that says you're going to be reappointed. It gives more people in the community an opportunity to serve on a police services board and so on. So I think that reappointments should not be an automatic thing and that we should always consider new people for some of the positions.

The Chair: If there's no further comment, I'll call the vote. All in favour? Opposed? The motion is carried.

The second one we deal with is an attended appointee as member of the Social Benefits Tribunal, Helen Buckley-Routh.

Mr Wood: I move concurrence.

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

Mr Martin: These are really, really important appointments, these tribunals. We're getting to a point now in our appointments to them where there's a concern being raised by the community out there, by those who advocate on behalf of poor people, that we're not appointing people who have proper experience and qualifications to these jobs in order to actually do the position justice and, more importantly, to do justice by some of these folks who, when they come to look for assistance, are usually at the end of their rope. It's the last place for them. When they're turned down, all they have left is appeal. They hopefully then come before somebody of experience and knowledge and background who will understand all of the intricacies of their situation and the law as it exists and will find ways to be helpful. I'm afraid the applicant this morning doesn't, to my satisfaction anyway, have enough background experience and knowledge and expertise to do this job.

1210

The Chair: Any further comment?

Mr Mazzilli: I certainly will be supporting this appointment. I appreciate what Mr Martin said, but many times we bring people before this committee who have all the skills of mediation or adjudication in quasi-judicial bodies. They have all the training for that sometimes, and then you hear the complaint that they have no experience with children, poverty and all of those issues. Today we bring someone before us who quite frankly has a teaching background, probably a very strong skill set in dealing with families and children and is very sympathetic, and perhaps lacking in the other, which will obviously have to be taught before you can get into a quasi-judicial role, and we're hearing the opposite complaint, that the individual doesn't have the skill set to be a mediator, if you will, or an adjudicator.

So I will be supporting this appointment. I think if you want a broad representation of the community, those skill sets will be taught to members before they take on hearing cases on their own.

Mrs Dombrowsky: I have to make some comment with regard to whether or not the intended appointee has a skill set. It is very clear that the intended appointee, as I think the remarks would indicate—she told us she had really no experience as an adjudicator. We are not appointing someone to volunteer on a board. This person is going to be making \$75,000 a year, in that neighbourhood, and the very lives and well-being of individuals in our province are going to be at this person's mercy. So, yes, I am looking for someone who does have applicable skill sets already in place. I would like to think, for someone who is going to make that kind of money, that they do bring a significant amount of that to the table before any training takes place. I'm sorry; I did not see evidence of that today.

Mr Mazzilli: Just to reiterate my position, as I've said before many times, there have been lawyers appointed to certain boards and we don't hear any complaints that they

don't have the skill sets to be adjudicators. They do. In those instances, we hear that they don't have the skill sets with the environment, if that were the board, or whatever. So there's a whole other complaint from the opposition.

All I'm saying today is that if the job of an adjudicator was strictly for a lawyer, you would have the skill sets. The intent of the government is to have broad-based representation from the community on these quasi-judicial bodies, and that means people of different professions. They will not come with the skill sets of being adjudicators. They will be taught those skill sets certainly before they commence working.

The Chair: OK, thank you. I will call the vote. All in favour? Opposed? The motion is carried.

The next intended appointee is Mr Peter Robertson, intended appointee as member, Workplace Safety and Insurance Appeals Tribunal.

Mr Wood: I move concurrence.

The Chair: Mr Wood has moved concurrence. Any comment from members of the committee?

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

The next is Mr Ralph Hunter, intended appointee as member, Regional Municipality of Peel Police Services Board.

Mr Wood: I move concurrence.

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

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

That concludes the business for the morning session. We will commence at 1 o'clock for the afternoon session.

Mrs Dombrowsky: Can we leave our material here?

The Chair: Yes, you can leave your material here. It may freeze, but you can leave it here.

The meeting is recessed.

The committee recessed from 1215 to 1310.

JIM DIMOVSKI

Review of intended appointment, selected by official opposition party and third party: Jim Dimovski, intended appointee as vice-chair, Workplace Safety and Insurance Appeals Tribunal.

The Chair: I'm calling the afternoon session of the standing committee on government agencies to order. Our first intended appointee this afternoon is the intended appointee as vice-chair, Workplace Safety and Insurance Appeals Tribunal, Mr Jim Dimovski. Please come forward, sir. Welcome to the committee. You have an opportunity, as you know, to make an initial statement if you see fit.

Mr Jim Dimovski: I'm honoured and pleased to be here today as an intended appointee to the Workplace Safety and Insurance Appeals Tribunal. I recognize the very important work the tribunal does in rendering impartial decisions that appropriately consider workplace safety and insurance legislation, prior tribunal decisions,

evidence, board policy and administrative law requirements.

I was born in Toronto to immigrant parents who arrived in this country without the grasp of either of the two official languages, hardly any worldly possessions save what they brought with them in their two suitcases, without the support of a large extended family or skills that were highly in demand. Despite these harsh realities they faced when they first arrived in this province, their work ethic and dogged determination has helped them earn a good living.

I attended grade school in the Markham suburb or satellite town of Unionville. Interestingly, my language skills were so poor that my teachers were under the impression that I was a recent immigrant from Yugoslavia. Nevertheless, I went on to Unionville High School, where I graduated as an Ontario scholar. From high school I then travelled to Montreal, where I attended McGill University in order to complete a bachelor of arts degree. My major was in history. From studying history at McGill, I moved to the other side of the country, to Edmonton, to study law at the University of Alberta.

In addition to studying law in Edmonton, I also tried to practise it. In my first year, I joined Edmonton Student Legal Services, SLS, an organization mainly staffed by law students who try to help low-income individuals unable to secure legal aid funding for summary conviction offences. At the beginning of my second year, I was made a day-shift supervisor and was responsible not only for my regular caseload but also for the caseloads of six students who worked underneath me.

Also during my second year, I was elected by my fellow students to the student government executive, the Law Students' Association, LSA. Upon completion of my term with the LSA, I was elected to the law faculty council, where I brought student concerns and requests to the faculty.

Upon obtaining my law degree, I travelled to Yellowknife, Northwest Territories, to work at a small, reputable law firm. Images of frontier justice often pop into the minds of those who think of the practice of law in the Northwest Territories, and often it felt that way, especially when I was flown during a harsh winter day north of the Arctic Circle for an appeal hearing. In fact, my legal experience while in Yellowknife was quite sophisticated and rewarding. In a typical week, I could find myself working on a family law file funded by legal aid, working on a mining transaction for a multinational corporation, conducting research for the Legislative Assembly, framing administrative law arguments for the judicial remuneration committee, appearing before a tribunal either on the side of an institutional client or for an individual or conducting a trial against an unrepresented person.

The breadth of my legal experience was definitely matched by the depth of the legal knowledge obtained while in the north. However, the greatest skill I was able to develop was my ability to function in a legal context

with those who were both articulate and well-educated and with those who were neither.

I moved back to Markham in order to pursue other opportunities and to be near my mother during her recovery from a complicated surgical operation. Shortly upon my return, I began satisfying the accreditation requirements that the Law Society of Upper Canada sets for lawyers who transfer from another jurisdiction and wish to practise law in Ontario. I worked at a local law firm, mainly on personal injury insurance files, while successfully completing the law society's requirements.

As well, I've become quite involved in my community and have volunteered my time and skills to my church and various other organizations, including the Markham Federal Liberal Riding Association. I believe my service on this tribunal would allow me to use both my legal skills and training and at the same time allow me to gratefully serve my community.

The Chair: Thank you very much, sir. We will begin our questioning with the official opposition.

Mr Gravelle: Good afternoon, Mr Dimovski. It's nice to see you here. For a young man, you have a very impressive resumé in terms of your family history and your law work. The position you will be taking on if your nomination goes forward today is certainly one that will be very complex. It is as a full-time vice-chair for the tribunal. If I may ask you, how did this appointment come about? We're always curious about that.

Mr Dimovski: At the beginning of the year, I was looking for positions that were challenging. I made my job search strategy as wide as I could, and I looked at the public appointments Web site. On reviewing the appointments Web site, I noticed the Workplace Safety and Insurance Tribunal. While in Yellowknife, I had done some work on compensation files, and I actually have a very close friend who acts as in-house counsel for the Northwest Territories workers' compensation organization. I talked to her, and she seemed to suggest I would be fairly good at it. I also then did some more research, and I talked to an executive assistant at my member's constituency office. I asked if they would have any difficulties with me applying for this position, and they encouraged me to do so. After that, I talked to the chair of the Workplace Safety and Insurance Appeals Tribunal, Ian Strachan. After that meeting, I was fairly convinced that I could do a good job as vice-chair.

Mr Gravelle: The constituency office, would that be Mr Tsubouchi's office?

Mr Dimovski: Yes.

Mr Gravelle: I'm pleased to hear that you, in some sense, went specifically for this position. It wasn't as if you were looking for any position; you found this one appealing. One of the concerns that was expressed at a couple of the appointments this morning—and we express it often—is people having the skill set—I think that's the term we were using this morning—in terms of the various responsibilities that come with these positions.

We had an opportunity to speak briefly in person before the hearings started this afternoon, and you made reference publicly to your experience with or your awareness of compensation issues. I wonder if you could expand on that a bit, because I think that is very important. Obviously you did most of that work when you were up in the Northwest Territories, but I would tend to think that would be relevant in Ontario as well. If you could expand on that, I'd appreciate it.

Mr Dimovski: I'm not sure how to answer that. I tend to see the issue in Ontario and compare it to how I dealt with compensation matters in the Northwest Territories. Up there, there tends to be a lot of judicial review of decisions, simply because some of the adjudicators are not well-versed in basic administrative law concepts, for example, fettering discretion. What that means is that they don't tend to hear the real merits and justice of the case. They don't take the facts of the case in an impartial way and make their own decision based on the facts. I know here the appeals tribunal has gone through a restructuring in the last four years with Bill 99. It seems like the structure encourages coherent, well-reasoned decisions. I think this act and the tribunal are flexible enough that decisions go through a very intricate process of vetting and they tend to come out fairly well-reasoned compared to some of the decisions I had to attack in the Northwest Territories.

1320

Mr Gravelle: That's a very interesting answer too, because one of the frustrations I certainly have as a provincial member with compensation or Workplace Safety and Insurance Board cases is that I do find it to be one of the more complex and difficult organizations in essence to even work with. If a constituent comes forward with a workers' compensation or WSIB case, it's often very, very difficult to actually even get a response from the government when we think there's been some unfairness. There also seem to be unconscionable delays that are built into the system. I don't know whether you've done any research in terms of the process to get to the tribunal. That could be a pretty difficult process. Are you familiar with that and have you got any thoughts on that?

Mr Dimovski: I'm not too familiar with that. My understanding is that the umbrella organization of the workers' safety board and the appeals tribunal, especially vice-chairs, does make an effort to talk in public workshops in which everyone's invited to address specific procedural issues, or just to explain to the public the process involved in a workers' compensation file. I don't know enough to further elaborate on that.

Mr Gravelle: And I don't expect you to respond to my comments about the difficulties we've had. I just know that over the years of dealing with them, I have found it difficult. I don't think we're equipped, in terms of our constituency offices, because of the help that is needed for a lot of the cases that come forward, to actually handle a case, and I do believe that some of the decisions made by the government have actually made it

more difficult for people to access the system. In fact, one of my frustrations, and again I don't think you will have much you can say about it, is that previously when I would explore a case I would write the minister and the minister would get involved. Now the minister is more than likely to say, certainly at the tribunal level, and one would understand it, "I can't get involved in this. It's an independent matter." I find that somewhat frustrating, but obviously at the tribunal level you've got to be making decisions based on all the evidence that's at play.

Clearly you believe you have the skill set to do that. How much experience have you had in your legal work, your legal experience, that makes you feel you would be qualified for this?

Mr Dimovski: My experience with specific workers' compensation files is limited because I only practised up there for two years, and the nature of the practice in the Northwest Territories is that you have to do a lot of different files. But I think I've learned also, and I mentioned it in my statement, to deal with all sorts of people, whether sophisticated or not, educated or not. I think that's a quality that would serve well, especially as a vice-chair, because there are all sorts of people who come to the appeals tribunal in a state of anxiety. I think I've learned over my time to deal with people who are going through a frustrating time in their lives.

Mr Gravelle: I think that is one of the other issues too. You're right: as with any organization that has a tribunal system in place, an appeals tribunal, you are essentially at the end of a process that's already had a long period of time when you've been involved in it, and I think that requires a certain sensitivity as well and a certain kind of flexibility. Do you view this as a role where you will be able to have some flexibility? Is that defined as part of the actual job, having some flexibility in the decisions? What is your understanding of that responsibility?

Mr Dimovski: The act tends to guide you in the types of decisions you make. You only have the authority the act empowers you with. I'm talking in terms of the vice-chair. I tend to approach any future decisions with an open mind and render my decisions on the facts presented. I don't know if that implies flexibility or not, but I think it does.

Mr Gravelle: Thank you very much. Did I hit it?

The Chair: You hit it right on. We now move to the third party.

Mr Martin: Good afternoon. I'm just wondering what your political affiliation might be.

Mr Dimovski: I'm currently a member—

Mr Mazzilli: The Liberals didn't ask that?

Mr Dimovski: No. I'm currently a member of the federal Liberal Party.

Mr Martin: What about provincially?

Mr Dimovski: In the past I was a member of the Ontario Liberal Party.

Mr Martin: You had said that you were in to see Mr Tsubouchi, his office or his executive assistant or some-

thing. Do you have a relationship with Mr Tsubouchi at all?

Mr Dimovski: I have no relationship. I've met him twice in the last month at certain functions in Markham.

Mr Martin: Just to put in context that question and how important it is for us and what we're dealing with here in terms of trying to make good appointments to some of these boards and commissions, particularly a board such as the one that you're seeking appointment to, because it affects the ability of a worker who has been hurt to provide for himself and his family—it becomes very critical and crucial—I shared this morning an example of a fellow by the name of John Koutoulakis who was appointed despite lack of expertise as a part-time vice-chair by Mr Stockwell when he was the Minister of Labour. He heard 23 cases, delivered a verdict on five and left 18 others unresolved when he left. Of the five, the verdict was delivered between 50 and 128 days late. The tribunal is supposed to deliver verdicts within 120 days. For the 18 others who put appeals to Mr Koutoulakis, the wait was even longer. After he quit to join Minister Stockwell at the Ministry of Energy and Environment, these workers were left waiting, most for over a year. Some workers were even forced on to social assistance while Koutoulakis was travelling in Paris with Mr Stockwell.

While vice-chair, Koutoulakis also attended the Progressive Conservative leadership convention as a Stockwell supporter—a violation of the Public Service Act, which demands political neutrality on the part of adjudicators at the tribunal. So we're really concerned here that we don't end up with a circumstance such as this where somebody with a lack of expertise is appointed and then takes the responsibility that is handed to him so lightly as to not even deal with the issues that were before him before he moved on to something else.

Were you aware of these problems at the board?

Mr Dimovski: I'm not familiar with that gentleman you just referred to but I can assure you that I would not take anything before me lightly. I think that's the only comment I have with respect to your remarks.

Mr Martin: Are you familiar with the legal provisions outlined in the WSIB Act?

Mr Dimovski: Yes.

Mr Martin: And in your opinion, what would or would not constitute a fair application of those provisions?

Mr Dimovski: Can you be more specific?

Mr Martin: In considering somebody's application before you, what would the reality of that person's situation have to be in order to fall within the legal provisions outlined in the act, and how would you try to connect that? What would be the framework within which you would operate?

Mr Dimovski: Anything that would appear before me would have already been adjudicated fully by the Workplace Safety and Insurance Board and then I would hear it. I'm not too sure what you're trying to explain to me.

Mr Martin: I'm not trying to explain anything. I'm just trying to get a sense from you as to what you think is fair in terms of people presenting and the act.

Mr Dimovski: The act is fairly flexible right now. People tend to think of an appeals tribunal as a law court. It's not specifically a law court; it's quasi-legal in nature. But the hearing process that the act outlines is one that's not adversarial at all; it's actually investigative. As a vice-chair you're trying to discover the facts in the case, and upon those facts you're supposed to render an impartial decision, and you do that forthrightly, as quickly as possible. There is a provision in the act that states that a decision should be rendered 120 days after its hearing, so I'd adhere to the act.

Mr Martin: OK. Unfortunately, there's no real obligation on tribunal members to ensure that they submit their decisions within 120 days. However, as you said, it's really important that you try to adhere to that. Do you have any commitments that would tie you up or hinder your ability to deliver a verdict within that period of time?

Mr Dimovski: No.

1330

Mr Martin: What are your impressions of people who can't work because of injury?

Mr Dimovski: Frankly, I don't know how to answer that. My impression would be that if they can't work due to injury, and I've had relatives who couldn't work due to injury, it's just an unfortunate set of circumstances.

Mr Martin: Let me put it maybe another way: do you think there's a lot of fraud in the system?

Mr Dimovski: I don't have enough facts to make a decision or render an opinion on that.

Mr Martin: By saying that, then, you would—

Mr Dimovski: I have no clue whether there's fraud, a lot of fraud, in the system.

Mr Martin: Would your sense be that most people presenting are legitimate and sincere and genuinely looking for compensation to carry them through a difficult period or for the rest of their lives?

Mr Dimovski: That would be the thought I would operate under, my prima facie thought, yes.

Mr Martin: But you have nothing in your background—you mentioned you had worked in the Northwest Territories. Up there, was your experience that most people presenting were legitimate?

Mr Dimovski: Yes, sir.

Mr Martin: And it would be your approach, in dealing with people when they came before you, that they're presenting legitimate—

Mr Dimovski: Yes, sir.

Mr Martin: OK.

I think we've had this discussion already, but are you aware of the need for political neutrality in the job?

Mr Dimovski: Yes, sir.

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

The Chair: Further questions?

Mr Mazzilli: When it comes to quasi-judicial bodies, as you know, it's very difficult, because often we have

people appointed to quasi-judicial bodies who are not lawyers, who perhaps have great skill sets and great education, but it takes some training to get to the point of being able to hold a hearing, with all the rules of evidence and so on.

You are a lawyer and you obviously seem to more than understand that it is judicial, but that it's also investigative, and that your responsibility in holding a hearing is to get the facts into the record, if you will, and sometimes you have to actually drag the facts out of perhaps injured workers. I'm very impressed to hear that, because often people will appeal decisions, and there's nothing more unfortunate than if an appeal is heard and some facts are not in the record. You understand, whether your decisions are appealed or not, that it's important for you to have all the facts in the record for that person.

At the same time I still support, with the difficulties involved with all quasi-judicial bodies, the broad-based appointment process that appoints teachers, police officers and lay people and not just lawyers. I just wonder if I could get your thoughts—I know it's a government issue and not your role here, but in the future I would continue to support that type of process. Like I said, sometimes people have all the skill sets to hold a hearing but they perhaps don't have background in that particular—whether it's the environment, worker safety in this case, or other boards. In some cases they have some of those skill sets but not the legal training. What would your position be on that from a government perspective?

Mr Dimovski: I tried to draw this point out earlier today. The tribunal is not a law court; it's quasi in nature. I do find that people from a diverse spectrum of society, the whole spectrum of society, can provide useful insight into a tribunal like this. My experience in the Northwest Territories aside—well, not aside—I did recognize that they were productive. There were only a certain number of cases that were appealed to the courts. Some of these people had a steep learning curve, but I find that people who are educated in the basics of administrative law, and that doesn't take a lot, can do quit a good job adjudicating in bodies like this.

Mr Mazzilli: That's my only question. I will be supporting your appointment, and I wish you luck.

Mr Dimovski: Thank you, sir.

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

The Chair: That completes the questioning. Thank you for being with us, sir. You may step down.

NICOLETTE NOVAK

Review of intended appointment, selected by official opposition party: Nicolette Novak, intended appointee as member, Niagara Escarpment Commission.

The Chair: The next intended appointee is Nicolette Novak, intended appointee as member, Niagara Escarpment Commission.

You may come forward. As you know, you have an opportunity to make an initial statement. Subsequent to

that, questions will be asked by members of the committee if they see fit. Because I have an interest in Niagara Escarpment Commission matters, I will leave the Chair to Mr Gravelle, who can write down times and things like that. Mr Gravelle gets his chance now to cut me off, you see.

Interjection: You don't have a conflict, do you?

The Chair: None at all.

The Vice-Chair: Good afternoon, Ms Novak, and welcome. You have an opportunity to make some opening remarks, if you please, and then we will begin the questioning. I believe we begin with the third party. Please go ahead.

Ms Nicolette Novak: Good afternoon. It's my pleasure to come before this committee today to introduce myself and present my credentials for your consideration.

My name is Nicolette Novak. I am a lifelong resident of Niagara and grew up on the farm where I presently reside. The farm was built up by my father, Karel Novak, in the late 1950s. I lease the land to a neighbouring farmer, and I operate my current business on that property. The business is the Good Earth Cooking School and Food Co Inc, which is located in Beamsville.

Over the past several years, I've had the privilege of serving two Premiers on different boards. I served as a member of the Crop Insurance Commission of Ontario during its period of transition to Agricorp. I currently serve on the Ontario Farm Products Marketing Commission as a member, and I trust that I've been able to make a valuable contribution to both those boards as well as to the constituents they serve.

I was recently approached by a local resident in the area to consider putting my name forward for consideration to fill a vacancy coming up on the Niagara Escarpment Commission. Growing up in Niagara, as Mr Bradley knows, you can't help but notice the escarpment, and it means a lot to us. Therefore, I was happy to have the opportunity to put my name forward for consideration.

My current business feeds off and indeed contributes to the growing agri-tourism industry in our area. Much has changed in our landscape since I was a little girl in Beamsville. Development continues to encroach on our area, and it's only natural that people would want to have a piece of that pristine beauty at any price; hence, the need for legislation such as the Niagara Escarpment Planning and Development Act to ensure that we don't lose this natural asset.

As I always point out to people, agri-tourism can only thrive if we have a vibrant agricultural community. Similarly, we need to ensure that the Niagara Escarpment remains unblemished as a stunning natural backdrop to that vista. If successful in my application for appointment to the Niagara Escarpment Commission, I would strive to uphold the spirit and intent of that legislation. Nature is a finite resource, I believe, and we do have an obligation to leave it for future generations.

I'm a University of Toronto graduate in international relations. I have worked at Queen's Park as a ministerial assistant, so I understand the importance of the political

process. Following my father's untimely death in 1987, I took over the family tender fruit farming operation, farming 220 acres in Beamsville, operating a farm market and conducting school tours. As a farmer and landowner in Niagara, I am all too aware of the development pressures on the primary resource sector. Today I operate a very successful cooking school and catering company on the family farm. The philosophy of the school is to give the urban public an opportunity to really experience Niagara, its people, its produce and its beauty, and also to re-connect with the land.

Throughout my careers, if you will, I have always been an active participant in related organizations and the community. I strongly believe in being a participant rather than a silent critic. I sincerely appreciate the opportunity to give something back to the community and to the industries I live and work around. I hope that my past contributions will serve as an example of my commitment to that belief and as a record of accomplishment for you to consider.

I'd be more than happy to answer any of your questions.

1340

The Vice-Chair: Thank you, Ms Novak. We'll begin the questioning with Mr Martin.

Mr Martin: Thanks for coming today. I guess I'd be interested in your view of the Niagara Escarpment Planning and Development Act.

Ms Novak: I think it is important to have legislation in place that is going to protect something of that immense beauty and that is environmentally unique, if you will. Unfortunately, when things tend to be attractive or if it's a beautiful spot, people want a piece of it, and it's very easy to fall prey to reasons around why it's a good idea to develop or why it's a good idea to build on those properties. My belief is it's important that we protect that area considerably and aggressively. There is a lot of pressure in Niagara. I'm familiar with the Niagara Escarpment in the Niagara area; I'm not terrifically familiar with it in the north. But certainly in our area the pressures to do things on the escarpment are enormous, and I believe it's very important that we have legislation in place and a means for those interests to be fairly vetted, and for us to make decisions based on that.

Mr Martin: What are your thoughts on the Niagara Escarpment plan?

Ms Novak: I think it is a balanced piece of legislation. The plan itself allows for certain development under certain very stringent conditions. It's reviewed regularly, which I think is also important. Things change, not necessarily for better or for worse, but we need to look at things periodically. So the plan is in place with certain guidelines and restrictions as to what can and can't be done, but also a process is in place for people to come forward with development proposals and so on. I think we need something in place to look at that, rather than just pretend it's not there.

Mr Martin: Do you agree with its basic principles, or do you have some other principles?

Ms Novak: I agree with its basic principles.

Mr Martin: What's your understanding, then, of the role of the commission?

Ms Novak: The staff of the commission looks at the various proposals. The role of the commission is to consider them and put final approvals on them or not, and also to ensure that the legislation is lived up to in terms of its spirit and intent. So in the end, the staff has a role to play in developing positions going forward.

Mr Martin: In your view, coming to the commission, are there any particular issues or ideas or things you want to put forward or champion or focus on?

Ms Novak: Understandably, Niagara is of concern to me. I am a resident of Niagara, and I don't want to pre-suppose what Mr Bradley will say, but I know his position on the winery issue on the escarpment, and I must admit that I share a lot of those concerns. But I don't think my role is to become a champion for any one voice on that board. It's similar to activities on any other board or commission: you come to the table and hang your hat at the door. You bring a skill set to that table and maybe some expertise in some areas, but at the end of the day, you are only one of many around the table. There is room for very full debate and heated argument, and invariably we come to consensus time and time again. Sometimes the battles are bigger than others, and sometimes there's no battle at all. But I believe it's more important to come forward with the overall understanding of what that legislation is meant to do and to look after what I truly believe is something we need to protect for future generations.

Mr Martin: Have you looked at the membership of the commission, and do you think it's a balanced group?

Ms Novak: I looked at it very briefly. I can't really comment. I'm not familiar with a number of the people, so I really don't think it would be fair of me to comment. I recognize some names. I saw there are some farmers, people who have a vested interest in business and so on, so I think there is an attempt at having a fair cross-section of individuals on the commission who have divergent interests.

Mr Martin: Are you aware that some of the municipalities that take in parts of the escarpment are actually looking to have control over the development of those lands? Would you be in agreement with that?

Ms Novak: My initial sort of gut reflex is no, I wouldn't. I don't think we want to have municipalities starting to—I think we need one cohesive plan for that long stretch. Otherwise, we're going to have a bit of a dog's breakfast of development of different types and natures across that piece of property.

Mr Martin: Thank you very much. That's all my questions.

The Vice-Chair: Government members?

Mr Johnson: Ms Novak, I'm interested not only in the general background but some of the specific things that people bring to the job at hand. I'm interested in two things. One is the Good Earth Cooking School. Tell me

about it. By the way, I represent the city of Stratford, and we have a chefs school and so on.

Ms Novak: Very good. Yes, you do. You have the Stratford Chefs School, and in fact two of my resident chefs are graduates of the Stratford Chefs School.

The idea behind the Good Earth Cooking School is simply to demystify what it is to be a chef. We invite in chefs from the various winery restaurants to conduct demonstration cooking classes. I have two resident chefs on staff. The idea is to sell the Niagara experience—and by that I mean to have people understand that Niagara is more than Niagara-on-the-Lake, it is more than Niagara Falls, it's more than just the wineries, it's more than just the restaurants; it's about a beautiful place where people make a living, where they're passionate about what they do and so on—and to allow people to reconnect with the land. By that I mean that the majority of people who come to my cooking school are affluent, well travelled and have a vivid interest in food and wine. What has happened over time, though, is that very few people remember growing up on a farm or living on a farm. Their understanding of what farming is today in the 21st century is really very limited. So it's an opportunity for them to reconnect. It's very convivial. We have all kinds of great discussions. It is to provide another element, if you will, to the agritourism that is growing up in the Niagara area.

Mr Johnson: I had the occasion in February to visit with Speaker Matthew Roberts in St Lucia and met a chef who was just about to leave for New York, where he was going to give demonstrations and promote cooking with those products from the island, a very fervent nationalist in his background. I don't have his name right now, but if you're interested in that sort of exchange, let me know.

The other thing is, I wondered, how far apart are Beamsville and Vineland?

Ms Novak: It depends on how quickly you drive. No, I'm just joking. It's very close; it's about five minutes.

Mr Johnson: My interest in asking was because I used to know a Jack Perkin. Just as a matter of interest, if I can digress, I can remember him telling my father underneath a peach tree—he was reaching up and he was pulling down a peach, and he had either short sleeves or they were rolled up, but he was pulling apart this peach and the juice was running down his arms and he was saying, "Frank, this is a freestone peach." That was in, I would guess, the late 1940s when it was being developed, but before that there was no way to get the peach easily off the stone. He was one of those who had started that variety and so on, an interesting character and just a great man.

Anyway, I wish you well. I'm interested, like I said, in the diverse background that people bring, because most of us value the experiences that each of us—and they're all different—get from the Niagara Escarpment. Thanks.

That's all I had, Mr Vice-Chair.

The Vice-Chair: Anybody else?

Mr Wood: We will waive the balance of our time.

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

Mrs Dombrowsky: Good afternoon, Ms Novak. In your resumé that you very kindly provided to us, you've indicated that from 1982 to 1987 you were an executive assistant to a member of the Conservative caucus here at Queen's Park.

Ms Novak: Yes.

Mrs Dombrowsky: Who was the member?

Ms Novak: It was none other than Philip Andrewes.

Mrs Dombrowsky: Philip Andrewes. You also indicated under "Other Activities" that you were a past president of the Erie-Lincoln association. When was that?

Ms Novak: It would be—I'm going to be guessing now; I can't remember—probably five, six years ago.

Mrs Dombrowsky: Do you continue to be a member of the association?

Ms Novak: I'm a member of the association. I don't take any role in their executive. Since I've started my new company, quite frankly I don't have the time.

Mrs Dombrowsky: You know your member of course, Mr Hudak.

Ms Novak: Yes, I do.

Mrs Dombrowsky: Did he suggest you might consider this appointment?

Ms Novak: No.

Mrs Dombrowsky: You did indicate that there was a member of the commission who suggested you might—

Ms Novak: No, it wasn't a member of the commission, it was a member of the community.

Mrs Dombrowsky: I see. Who did you contact in order to arrive here today?

Ms Novak: I believe he contacted Mr Hudak.

Mrs Dombrowsky: So you had a member of the community contact your MPP's office on your behalf?

Ms Novak: Yes.

Mrs Dombrowsky: Well, that's interesting.

Ms Novak: My initial call was from the member from the community. I didn't make the call.

Mrs Dombrowsky: And then was there a follow-up call from Mr Hudak's office to you?

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Ms Novak: Yes, to ask whether I was interested in serving.

Mrs Dombrowsky: I see. And then at that point in time it was explained how you would pursue this, so it was with the assistance of Mr Hudak that you have in fact arrived here today?

Ms Novak: Yes, it was.

Mrs Dombrowsky: It would be, I'm sure, safe to assume, since you have been a past member of the executive, that you continue to be a member of the party.

Ms Novak: Yes, I am.

Mrs Dombrowsky: Have you worked on recent campaigns, leadership campaigns, donated?

Ms Novak: I donate annually.

Mrs Dombrowsky: To Mr Hudak?

Ms Novak: I don't think it's relevant, quite frankly, but yes, I do.

Mrs Dombrowsky: I'm very interested in—

Ms Novak: I know, but I don't think whether I donate or don't donate is an issue.

Mrs Dombrowsky: It is a matter of public record.

Ms Novak: I appreciate that.

Mrs Dombrowsky: And we do ask a number of intended appointees how they support the political process. It is a matter of public record as well.

I guess that would be all at this point in time.

Mr James J. Bradley (St Catharines): OK, I have some questions. The first question I would have is, what would your opinion be of applications for such things as ski resorts, hotels and restaurants on escarpment land?

Ms Novak: I will tell you quite frankly that I've had heated debates with people on that in our area, definitely. If I may digress, the person who contacted me actually is somebody who has a winery and we have a divergent opinion on this. We sit in two different positions on that. I am not in favour of it; I will tell you that outright. I believe that one of the greatest things we could do for Niagara and for the little communities along what we call the wine route is to move some of that development or additional activity, if you will, of restaurants and so on into our municipalities, so that a little town like Beamsville doesn't have to survive based on three pizza parlours, one Dollarama, boarded up storefronts and so on.

I think there's a lot to be said for the California approach to how they've treated the Napa Valley. I believe there's only Clos Jordan that has a restaurant attached to it, and that was grandfathered into existence afterwards. So I really am not a great advocate for having alternative uses on that land. I think it presents a lot of pressures that are unnecessary and it could be done elsewhere.

Mr Bradley: One of the reasons I ask—you know some of the controversial issues in the area. You operate a culinary school.

Ms Novak: Yes.

Mr Bradley: And it's on your farm property.

Ms Novak: Yes.

Mr Bradley: But your farm property is not on the escarpment lands, so that's a different circumstance you'll be facing. You know there has been an application for something similar on escarpment land and that in itself the idea is a wonderful concept. It's where it is that seems to be the matter of contention.

Ms Novak: Absolutely. If I might comment on it, first of all, my cooking school is very small, 12 people maximum. It's operated, if you will, out of my once-upon-a-time garage, which I have renovated. So it's a completely different animal to what is being proposed at Vineland Estates.

Yes, there is no doubt it would have been wonderful for the area and so on, but there's no precluding such a facility being built elsewhere, and we're now seeing the Niagara Culinary Institute or whatever they're calling

themselves being built across from Jackson-Triggs in Niagara-on-the-Lake. So I think there is lots of room for that type of activity. In fact, it probably would be great for the whole area in terms of the development of agritourism and a greater understanding of what Niagara is all about, but it doesn't need to happen on the escarpment. In fact, I don't think it should.

Mr Bradley: You mentioned that a member of the community suggested that you apply for this. Are you willing to say who that was?

Ms Novak: I don't think it's—if you want me to, I'm not averse to it. I don't know what the rules are. I don't want to get him into—I mean, I don't mind. I'd be happy to tell you.

Mr Bradley: It's more curiosity than anything else, so I'll go on to—

Ms Novak: Could I whisper it to you later? Would that be suspicious?

Mr Bradley: That sounds great to me.

Ms Novak: OK.

Mr Bradley: Thank you very much.

Have you any family member or anything like that—this is a routine question I'm always asking people—who would have escarpment property where there would ever be any conflict?

Ms Novak: I wish I did. No, I don't. I only have a surviving mother and that's it. I have no siblings or anyone else.

Mr Bradley: I think people who are very interested in the Niagara Escarpment Commission believe that it is seriously underfunded and seriously understaffed and therefore unable to do the job that it was contemplated to do. Would you be a person, if you were to observe this to be the case, who would make a recommendation to the government, as an individual or through the commission, that there be additional staff and finances provided, if indeed it were your observation that that was required?

Ms Novak: Yes. I think part of the role of being at the table is to observe the activities of that body. If you feel that you can't provide the stewardship that is required under the present funding, yes, I think it needs to be drawn to the attention of the powers that be. That's part of the process. I think it's the stewardship element that's very important, and that goes to any board or commission you sit on. There's a responsibility, I guess, that goes with that.

Mr Bradley: There is a concern, because some members of the Legislature—and it is certainly their prerogative to do so—have recommended that the Niagara Escarpment Commission in essence be abolished and that the responsibility for the planning and administration of the escarpment come under the jurisdiction of municipalities. I thought I understood you to say, in answer to Mr Martin, that you would not be in favour of that happening.

Ms Novak: I wouldn't. When you look geographically at the stretch of property we're talking about, the land that we're talking about, I don't know how you could administer that very effectively by having multiple

municipalities developing different criteria, if you will, for how that would be managed. I think it's better served by having one piece of legislation that dictates how it's to be, whether it's Niagara Falls or up to Tobermory. That makes a lot more sense. They have an opportunity for input in that discussion, and if they can make a good case—people are pragmatic around the table when a discussion ensues and I think they have ample opportunity to make that case.

Mr Bradley: There's a controversial issue that has arisen—you're not a member of the commission at this time so perhaps it's fair ball to ask you a question about it—and that is the mid-peninsula corridor. There has been some considerable debate over whether there should be a full and complete environmental assessment as contemplated in the act, before it was, I would say, decimated by the government.

Ms Novak: That would be a good description.

Mr Bradley: The government members would disagree with that.

Mr Johnson: Slightly watered down.

Mr Bradley: "Slightly watered down," says Bert Johnson. Would you be in favour of a full environmental assessment that looked at the need for a mid-peninsula highway or transportation routes, or are you in favour of a restricted environmental assessment which simply decides, "There will be a highway. We're just going to find out where it's going to go"? Do you have an opinion on that?

Ms Novak: That's a tough question. I guess it depends on where I'm sitting on that fence, whether I'm a commission member or not. Obviously as a resident of Niagara, I'd be more than delighted to see traffic go up there. It should probably have gone up on the escarpment, further on the clay lands, a long time ago. As a farmer, the impact of the QEW has been enormous, and that has brought a lot of development pressure into the area. My only hesitation on a full and complete environmental review is that sometimes that becomes a very long and arduous process. So I guess I'm exhibiting great Libran tendencies here, sitting on the fence on that issue, because it is a tough one.

I think it is imperative that we move forward with some alternative to what's happening presently, because at the rate we're going, we will pave over Niagara, and I don't really want to see that happen. By the same token, there are needs to ensure that we don't repeat the same mistakes by just plunking a highway down and then worrying, 40 or 50 years later, that we've done something incorrect. I guess part of my hesitation in answering is that I'm not 100% clear how that proposed highway is to go through the peninsula above, where that starts and ends and what would be impacted.

The Vice-Chair: Mr Bradley, you have one last quick question.

Mr Bradley: He loves cutting me off.

Ms Novak: It's only fair. It's his chance.

Mr Bradley: That's right.

You know the farming business exceedingly well. Would you contemplate or see any problems that would arise—because they have in the past—any conflicts between members of the farming community and members of the commission? Are there farming activities you could contemplate that would be detrimental to the best interests of the preservation of the escarpment, and would you be prepared to take the side of preservation?

1400

Ms Novak: I think that's a very fair question. Once again, one has to look at the issue based on its merits. It's something we do around the table at the Farm Products Marketing Commission, looking for industry solutions as opposed to just any one interest group's particular position.

Yes, I am very strongly linked to the farming community. However, I believe that farming is a business and needs to stand on its feet as a business. Sometimes people come up with crazy ideas simply because they need an alternative to making a living just as farmers. Yes, something could come forward that was completely off the wall for the escarpment. I can assure you I wouldn't want to see that happen, particularly if it entails marring some element of it. We have vineyards already on the escarpment—that's a whole other issue—but as long as they maintain normal, standard farming practices, that's not an issue. But if we're starting to do—I'm trying to think of what the weirdo scenario would be, but quite frankly, once again, as I said before and I reiterate once more, I think it's a unique natural asset that we have and it behooves us to look after it for the future, because once it's gone, it's gone. We've seen that happen along the lake, we've seen it happen in Niagara, we see it happening in Toronto along the lakefront. I think we've got to look after it.

Mr Bradley: I'm not taking time to ask a question. I just hope your farm survives, because I know many others haven't.

Ms Novak: That's why I do crazy things like the cooking school.

Mr Bradley: For our friends on the committee, the farmland over the years has just been paved almost into oblivion in some cases. So I admire the farmers who will struggle and carry on with a business which is exceedingly important to our province. But you could almost cry watching the farmland disappear in the Niagara Peninsula.

Mr Johnson: The committee takes note that Mr Bradley wants more gridlock in St Catharines.

The Vice-Chair: I think we all appreciate Mr Bradley's comments.

Thank you very much, Ms Novak. That does complete the time available for our discussion, so you may step down.

STANLEY SADINSKY

Review of intended appointment, selected by official opposition party and third party: Stanley Sadinsky,

intended appointee as member and chair, Ontario Lottery and Gaming Corp board of directors.

The Vice-Chair: Our next appointee is Mr Stanley Sadinsky, intended appointee as member and chair of the Ontario Lottery and Gaming Corp board of directors. Welcome, Mr Sadinsky. It's good to see you. As with all appointees, you have an opportunity to make some opening remarks if you wish and then we will begin the questioning with the remaining time, beginning with the government party.

Mr Stanley Sadinsky: Thank you all for giving me the opportunity to appear before you and answer any questions you might have regarding this proposed appointment. I understand you've been provided with copies of my CV, but by way of an opening statement, I will simply try to highlight a number of points which have led me to be here before you today.

By way of personal information, I am 63 years old and have been married to Gillian Robertson for 34 years. We have two married daughters and two grandsons. I was born and raised in Ottawa and attended one of Ontario's oldest high schools, Lisgar Collegiate. Like most students from Ottawa who couldn't afford to go to the University of Toronto but still wanted to leave town for their university education, I followed several friends and family members to Queen's.

I graduated in law in 1963 and articulated with a law firm in Toronto which is now known as Weir and Foulds. I was called to the bar in 1965 and was invited back to the firm as a junior to John Arnup, who was then the treasurer of the Law Society of Upper Canada and who ended his illustrious professional career as a justice of the Court of Appeal. I was made a partner of the firm in 1970 but decided soon after that we didn't want to live in Toronto, and we moved to Kingston in 1971. I became a professor of law at Queen's but also conducted a small civil litigation referral practice, deriving most of my work from lawyers in our area who did not wish to take matters to court. At Queen's, I taught a number of courses related to civil litigation.

One of the great advantages of academic life is the flexibility that goes with it, and I was fortunate to have been asked to become involved in a number of very interesting projects over the years. For example, I did work for the Ontario Law Reform Commission and for 17 years was academic consultant to the Canadian Judicial Council and helped it organize and deliver annual summer educational seminars for federally appointed judges in Canada. I served as a member of the Canadian Human Rights Commission panel and sat on a number of human rights cases.

In 1979, I was appointed to the Ontario Housing Corporation's board of directors, and in 1981, to the Ontario Racing Commission. I was reappointed to the commission in 1984 and became its vice-chair. I left the commission in 1985. However, there was lots to do at the university, at the judicial council and at the human rights commission, and while I missed my work on the racing commission, I had plenty to keep me busy.

In 1994, I was asked to return to the racing commission as chair, and I was delighted to do so. I was reappointed as chair in 1997 and again in 2000. Needless to say, I have become very familiar with the horse racing industry in Ontario, and following the introduction of slots at racetracks, I also became familiar with the work of the Ontario Lottery and Gaming Corp.

At Queen's, I decided to develop a course in gaming law, which covered all aspects of gaming including casinos, charity gaming, horse racing, bingo and lotteries. In addition, our course dealt with a number of social policy issues including compulsive gambling behaviour and the government's role in gambling. While the emphasis was on legal issues, in order to deal with them, one had to understand the gambling industry as a whole. This was the first such course in Canada, while it is being taught in several US law and business schools.

I'm delighted to have the opportunity of being considered to serve on the OLGC, and I look forward to it with great enthusiasm should this proposed appointment be confirmed.

The Vice-Chair: Thank you very much, Mr Sadinsky. We'll begin the questioning with the government party. Are there any questions at this time?

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

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

Mrs Dombrowsky: I noted with some interest in the background material you provided for us that you have been with the Ontario Racing Commission. You were a commissioner from 1981 to 1984, vice-chair from 1984 to 1985, and then chair from 1994 till—

Mr Sadinsky: Now.

Mrs Dombrowsky: Till now. You are still the chair of the Ontario Racing Commission. A few questions, then.

It has been presented to me that the Ontario Racing Commission has permitted tracks to reduce the number of race days since the introduction of slots. Is that the case?

Mr Sadinsky: No. In fact, the number of race dates in Ontario has increased by approximately 20%; that is, live race dates.

Mrs Dombrowsky: At every track?

Mr Sadinsky: No. That's the average across the board.

Mrs Dombrowsky: There are some tracks, though, where the race days are in fact fewer.

Mr Sadinsky: Yes, there are a few exceptions. When we grant race dates at our annual race date hearings, we hear the submissions of the tracks as to how many race dates they want to race, we hear the submissions of the horsemen, who are affected by that, and we make a decision based on the particular circumstances of each track.

Mrs Dombrowsky: Would it be fair to assume that it would be the smaller tracks that would probably be reducing their race dates?

Mr Sadinsky: Not necessarily. Rideau Carleton is an example of what I wouldn't call a small track. It has had

a reduction in race dates. But if one understands the type of market Rideau Carleton is in, having regard to the fact that there's a smoking-permitted casino in Hull, right across the river, it's in a very unique situation. So what we have to do, in effect, is balance the interests of the horsemen and their economic position, the interests of the track and basically the interests of the public, particularly the public in Ottawa, who are served by this facility.

Mrs Dombrowsky: As chair of the Ontario Racing Commission, do you see that your appointment to the Ontario lottery and gaming commission would place you in any position of conflict?

Mr Sadinsky: No. First of all, it's not the Ontario lottery and gaming commission; it's the corporation.

Mrs Dombrowsky: I'm sorry.

Mr Sadinsky: The Ontario Racing Commission is a regulator. The Ontario Lottery and Gaming Corp is an operator. So it's a very different role. We regulate racing; the OLGC operates the casinos, the charity casinos, the slots at racetracks, programming and so on.

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Mrs Dombrowsky: So you're suggesting that any of the interests of the commission would not be impacted by decisions that might be made at the corporation level?

Mr Sadinsky: Well, except for this: the slots-at-racetracks program is basically run by the Ontario Lottery and Gaming Corp. That has an effect on what happens at racetracks, and so there in effect is a relationship between the slot operation and its effect, for example, on live racing. One of the main reasons slots were put at racetracks was to enhance live racing. The Ontario Racing Commission basically regulates race dates. So there is a relationship between the two, but the functions are entirely different.

Mrs Dombrowsky: How is it that you've come to be intended to be appointed to the corporation?

Mr Sadinsky: I was approached.

Mrs Dombrowsky: By whom?

Mr Sadinsky: By the Premier's office.

Mrs Dombrowsky: The Premier's office asked you to—

Mr Sadinsky: Consider.

Mrs Dombrowsky:—consider this?

Mr Sadinsky: Yes.

Mrs Dombrowsky: So you pursued that through his office?

Mr Sadinsky: Well, I educated myself a bit, as best I could. I know something about the OLGC because of the slots-at-racetracks program and also because of my knowledge of the gaming industry as a whole. So it wasn't entirely new to me. I looked at the nature of the work of the OLGC and I asked myself some hard questions as to whether I would be interested in taking on that particular function as chair.

Mrs Dombrowsky: Are you a member of a political party?

Mr Sadinsky: Yes. I currently am a member of the Progressive Conservative provincial riding association.

Mr Dombrowsky: Thank you. I know that Mr Bradley has—

Mr Bradley: If I may continue the questions, you mentioned that the purpose of putting slot machines in the racetracks was to assist the racing industry. I have a different view: that it could have been enhanced by allowing the racing people to keep more of the money and that in fact having slot machines in racetracks is really a way of circumventing the government's commitment not to open 44 charity casinos that would be running 24 hours a day, seven days a week, bleeding money from local communities and very often from people who can't afford to be giving it. Would you give an opinion on whether you think that perhaps these slot machines in racetracks are really charity casinos through the back door?

Mr Sadinsky: Well, they are gaming activities at race tracks, there's no question about that. However, my recollection—and you can correct me if I'm wrong—is that when the government did propose the 44 charity gaming clubs, they also at that time proposed to put VLTs in the racetracks. That was part of a package. When they abandoned the 44 charity gaming clubs, they continued, in effect, with their endeavour to assist the racing industry, but it changed from VLTs to slots. So it was basically both at the beginning. Had they gone ahead with that, I think there still would have been either VLTs or slots at the racetracks.

Mr Bradley: They appeared to go from what some of us refer to as the crack cocaine of gambling, that is, video lottery terminals, to the marijuana of gambling, which would be the slot machines.

Mr Sadinsky: Marijuana is therapeutic now, we understand.

Mr Bradley: That's a very good line. I've got to say that's a very good line.

Mr Sadinsky: I was told not to tell jokes.

Mr Bradley: I worry because the moral majority, the family values crowd who are so worried about other issues, seems to be mute on the issue of what gambling does to the fabric of our society and who really suffers from it. A former colleague of mine said he went into a casino, in this case, and said, "Do you know something? The very people who shouldn't be in there were the people I saw inside." That was his observation, and he was pro-gambling previous to that. But I digress. I'm going to go to another question.

Do you believe that people should be able to max out their credit cards at casinos in this province operated by the government of Ontario?

Mr Sadinsky: I think people should be free to spend their leisure dollars in the way they see fit. I think if people overindulge in any social activity to their detriment, and I include gambling in this respect, there is an obligation on society and on government to deal with those kinds of issues, just as we have done with alcohol. So I would not personally—and this is just a personal opinion—be in favour of telling people how to spend their money, but I am very interested in ensuring that

people who get into trouble by spending their money in the wrong way or foolishly are helped and assisted.

Mr Bradley: What do you think of the carefully crafted commercials that are being aired on television that, in my opinion at least, promote gambling and prompt individuals, particularly the most vulnerable and desperate, to head to the slots rather than heading home?

Mr Sadinsky: Truthfully, Mr Bradley, I haven't paid a lot of attention to them. I don't watch a lot of television to begin with, and until very recently I wasn't paying a terrible amount of attention to the detail of what the OLG was doing, the way in which they were marketing, for example. If I am appointed chair, I'm going to pay an awful lot of attention to the way marketing takes place. I want to be sure that whatever the OLG does it does in a socially responsible way. There's a fine line, obviously, between marketing and being socially responsible, and it's a difficult one, I think, and that's just being an outsider. But I for one want to keep that social responsibility dimension at the forefront of my thinking.

Mr Bradley: People ask MPPs where the money goes from all the gambling that the Ontario government, the biggest gambling promoter in Ontario, is now involved in. They ask where it goes to. Would you confirm for this committee that every last penny of it goes into the consolidated revenue fund of Ontario?

Mr Sadinsky: No, because under the legislation and the regulations, some of it goes elsewhere. We know, for example, that some of it goes to support the horse racing industry, both the tracks and the horses. We know that some goes to the Trillium Foundation to support charities. We know that some goes to the municipalities if they are host to a gambling facility. We know that some of it goes to support treatment for compulsive gambling behaviour. So to suggest that all of it goes to the consolidated revenue fund is just not the case.

Mr Bradley: Ultimately it may go to those, certainly notionally speaking, but the Ontario government in fact controls, through agreements or whatever, how much goes to municipalities, how much goes to the Trillium Foundation, which is sold to the people of this province, saying, "You must have these casinos, and if you don't have them, Trillium won't have any money." Didn't Trillium used to get money from other government-of-Ontario sources before they tried to tie it to gambling to justify allowing these gambling opportunities in the province?

Mr Sadinsky: I don't know a lot about Trillium, truthfully, but I do believe that it did and still does receive some funding from sources other than gambling.

The question of how the government spends the net revenue from gambling is a matter for the government. The OLG does not, in effect, dictate that; that's a matter of government policy. The government is the sole shareholder of the OLG under its legislation and as such has the statutory right and power to make those kinds of decisions. Clearly, if government is making the wrong decisions, some other government will make the right ones.

The Vice-Chair: Mr Bradley, one last quick question.

Mr Bradley: OK.

Having been thwarted from its idea of placing in every village, every hamlet, every town, every city of this province in the hotels and restaurants of those places video lottery terminals—they were thwarted from that particular opportunity—the government, I suspect, is looking for other places. Do you believe it will be appropriate for the government now to get into—I hate to suggest it, but I'm sure they've thought of it—Internet gambling so they can get even more money? Not satisfied to get the money from the bingo halls now, where they steal—sorry, not steal—where they extract a lot of money from the bingo halls, from the charities there, and from other places, do you think it is appropriate for them now to get into Internet gambling? I hate to suggest that, in case the government hadn't thought of it.

1420

Mr Sadinsky: First of all, Mr Bradley, Internet gambling is illegal in Canada. That is a matter that's controlled by the federal Parliament, as you well know. It would be entirely inappropriate for the provincial government to take steps to get involved in an illegal activity until the feds decide, if they ever do, to amend the Criminal Code.

Personally, I don't support Internet gambling. It's a very complicated issue. We've looked at it very carefully from the racing side because there are a substantial number of offshore gambling sites that receive bets from all over the world, including Canada and the United States, and a large amount of money is in effect disappearing and not coming back to support either the racing industry, which is what I was concerned with, or the government, if it's dollars that would otherwise remain in Ontario.

Internet wagering is very difficult to regulate and it's because of the nature of the Internet. The people in Canada and the United States who are betting with these offshore sites are committing offences but it's virtually impossible to police it because they're doing it in the privacy of their own homes. Quite frankly, I don't think the police are interested in that kind of activity.

So it's one of those things where you're damned if you do and you're damned if you don't. If you don't get into it, then whatever it is that's flowing out continues to flow out and there's no return. If you do get into it, you create a whole new series of regulatory and, in my view, social problems. I think gambling is not an activity one should promote being done in the isolation of one's own home. To me, it's a social activity. I've seen and I've experienced a lot of people getting a lot of social pleasure out of social gambling, and I'm talking about responsible gambling. I think fostering gambling that takes place in your basement between you and your computer screen is not the kind of social activity that any of us should be interested in promoting. But that's just my view.

The Vice-Chair: Thank you very much. Mr Martin.

Mr Martin: Good afternoon. You're about to become a very important person in Sault Ste Marie; you realize that?

Mr Sadinsky: That's up to you.

Mr Martin: My hunch is that you are, and I'm not here today to object to your appointment. I'd like you to know that. I'm surprised, though, that the government side hasn't asked you some questions because this is a really, really important revenue-generating activity in this province. We're looking at over \$2 billion now annually, and the projection is that you're heading to \$2.5 billion for 2003-04. So it's very significant and very important.

I guess it's with that in mind that the first question I have for you—and it's somewhat in line with my colleague from St Catharines. I note in my own community the impact now on other kinds of smaller gaming, charitable activity that goes to support hockey teams, soccer teams, small charities, people in trouble and that kind of thing. We've been having a battle for well over a year, probably close to two years, with the provincial government, trying to get a handle on what seems to be a more aggressive oversight of those small gaming opportunities that we all participate in, none of us with any criminal intent or wrongdoing involved, but now all of a sudden we're finding it's harder to get licences, it's more difficult to spend the money on the things that you would traditionally have spent money on and, of course, there's less money because a lot of that money now, the disposable, discretionary income that's available for that kind of thing, is going to the casino.

I guess our concern is, is anybody looking at that and would that be a concern of yours in being appointed as chair of this corporation? It is having a very definite and significant impact on my own community. I'm assuming that the other communities where particularly the charitable casinos now exist are experiencing somewhat the same thing, maybe not to the same degree. Is that something that you'd be interested in looking at?

Mr Sadinsky: Very much so. It's not an area that's familiar to me now, so I can't answer whether it is in fact being looked at. But obviously—I shouldn't say obviously. I would anticipate that someone in my position or someone with the OLC would hear the representations of those operators of activities of that kind that there is a problem. Should that be brought forward to us, it would be an issue I would be very interested in looking at. Again, it sounds to me like it's not an easy one. None of them are easy, but this one doesn't sound easy either because in part it has something to do with people's preferences as to what they do with these discretionary dollars. You can play in the casino as opposed to playing small bingo. Is that the kind of activity you're talking about?

Mr Martin: Yes, bingos, raffles.

Mr Sadinsky: But what would upset me, quite frankly, is if the smaller operations were being denied the opportunity to participate because of the competitive advantage that the larger entity will have. That would strike me as being very unfair. So I would be interested in it.

Mr Martin: And that's the hunch that some of us have as we look at this. First of all, you can't compete with the kinds of dollars available to the lottery corporation for marketing and kiosks and all this kind of thing and the attraction of an actual casino. The other sense, and this is hard for us to get a handle on, is that as you look at the pot that's going to the provincial government by way of profit that's generated, that money has to come from somewhere and our fear is that it is actually being managed and that the restrictive oversight that is happening now may be in fact driven from above in an attempt to—you identify, as you did a few minutes ago, money that's flowing out by way of Internet gambling; the lottery corporation looking at, "OK, we've got \$2.4 million this year, we want to get \$2.5 million next year. Where do we get that?" So you target those small operations and say, "OK, there's \$2 million or \$3 million a year being generated at bingos and small raffles and things like that in the community, so let's make it harder for them to do that." There are some people who think that it has been orchestrated in that manner.

We'd like to know, first of all, if it is. Let's find out if it is or not, and if it is, for it to be stopped because it is hurting in a very serious and significant way what many people have often done in communities like my own to support their friends and neighbours to play sports, to look after themselves in difficult health circumstances or whatever. So I would ask that, in coming to this job, you would keep that in mind and perhaps you and I could talk further down the line around this. I have written several letters to the minister responsible for the Alcohol and Gaming Commission of Ontario, the overseeing body, and I'm not satisfied with the answers I'm getting. I'm being sort of put off.

I wanted to move quickly, though, to another—

Mr Sadinsky: Can I just comment on what you said?

Mr Martin: Sure.

Mr Sadinsky: First of all, I don't know, as I said before, whether in fact that is happening. However, if the scenario that you've just put forward was put to me, I would think that there are a lot of other places to find excess revenue, if that's what you're really looking for, than to do it on the backs of the organizations that you've just described. To my way of thinking, they would be far down the list of targets for that kind of treatment.

The other side of it is, I'd want to know what benefits, if any, those organizations are receiving through the channels that are in place for moving money to charitable or community or athletic organizations and the like. I know that those organizations are the recipients of support from, for example, the Trillium Foundation. The local Trillium advisory boards that are in your community or in every community have an opportunity to look at the applications of these various organizations. So I'd want to see the other side of the coin as well. But if it boiled down to just jumping all over organizations such as that to raise the last bit of money, I just don't believe that's necessary. At least, I hope it isn't.

Mr Martin: It's certainly what some people who are in the middle of it and getting hurt by it are thinking as we sit down as a group and try to figure out what the hell's going on here.

Anyway, I just wanted to ask a couple of questions that may present as a bit parochial and self-serving member for Sault Ste Marie—

Mr Sadinsky: Go ahead.

1430

Mr Martin: You're maybe expecting this, I'm not sure, but just a little bit of the history of the lottery corporation. The headquarters of the lottery corporation, when it was first evolving in the decentralization program of the government back in the mid-to-late 1980s, was moved to Sault Ste Marie—very successfully, I would add. Ian Nielsen-Jones at the time, who was the president, was the first person of that calibre or ilk to move up and the lottery corporation was very successful operating out of Sault Ste Marie year over year, improving in revenue and profits etc. Then in early 1995 and into 1996, when the present government took over, there was a decision, first of all, to downsize, and then to move the headquarters out of Sault Ste Marie to Toronto.

At that time, I and the then mayor, Steve Butland, and a few others banded together to put a case to the then president, Garth Manness, to not downsize as much as they were perhaps thinking of doing and, for God's sake, to not move the headquarters out of Sault Ste Marie, because there was no real justification or rationale to support that. But with the appointment of Mr Barbaro as both chair and president, that move happened and we lost a significant number of jobs.

When the lottery corporation was originally moved to the Soo, it was to help diversify our economy, to give us something else we could hang our hat on besides steel, and it worked very effectively. Because of the lottery corporation, there was a real boom in the infrastructure network—telecommunications etc—to make sure we were wired and that the corporation could communicate effectively and quickly with the rest of the province etc, and we were able to take advantage of that. New industry came, attracted by the lottery corporation. As a matter of fact, our post-secondary institutions began to get into the science of lotteries and had courses, inviting people in from across North America to take courses in gaming and lottery and that kind of thing. It became very exciting for us. We were quite enthralled, and for everybody involved it was a whole new field and area of opportunity. It was the place to work. People were actually leaving the steel plant and moving to the lottery corporation. It became sort of the flagship for the Soo.

But when the headquarters moved and Mr Barbaro took over as the chair and chief operating officer, we felt that very significantly, and we know there was a further development of gaming and gambling through the race-tracks and casinos etc, which was added on to the headquarters operation in Toronto, and that there are now some 500 jobs in Toronto—maybe you can clarify that for me—to support that effort province-wide.

I guess the question I have for you is—and I say this because our municipal council passed a resolution just a week ago and they're going to be coming to you. They may have already sent a letter to the corporation, and once you get into the job you're seeking here today, you'll probably be made aware of it. But could we move the headquarters back to Sault Ste Marie? With the downsizing of the economy in our area, steel in particular, those 500 jobs would be very, very significant, as you can imagine. We feel that the infrastructure we have would more than support the return of that capacity to our community. So I'll ask you first: would you be willing to entertain an argument from our community to actually move the headquarters back to Sault Ste Marie?

Mr Sadinsky: I do know a little bit about this issue. My understanding is that the headquarters of the corporation is still in Sault Ste Marie.

Mr Martin: We have that argument back and forth. I've written to Mr Barbaro and—

Mr Sadinsky: I understand that nominally, anyway, the headquarters is there and that a major portion of the technology and the lottery portion is there—

Mr Martin: Yes, that's right.

Mr Sadinsky: —and that there is a very significant office in Toronto as well. I should just say to you that I'm very sympathetic to this whole scenario, because I'm from Kingston. We've got the OHIP building in Kingston, and I can tell you how important that facility is to a city like Kingston. So I know where you're coming from in that regard.

When the headquarters was located in Sault Ste Marie, the corporation didn't exist. It was a very different operation than it is today; that's the important point. It was basically a lottery corporation at that point. Casinos didn't arrive in Ontario until 1992, and we know about the development of the commercial casinos and, as you said, the slots at the racetrack. It does make sense to me that when a great portion of a corporation's business is in a particular area, there is some common sense in having people staffing that area in locations that are accessible. So it cuts both ways, I think.

It's a tough problem. I can see the reason for having people in Toronto, and I can see the argument that's being made by the Soo. All I can tell you at this point is that I'd be happy, if I get the job, to meet with the mayor and discuss the situation. First I'll have to understand better why the decision was made to locate so many people in the Toronto area. Frankly, to me it's a question of what makes the most common sense, recognizing the different needs that are there: the needs of a community like Sault Ste Marie and the needs of the corporation to conduct its business in the best possible way. Whether or not there are compromises or possibilities, frankly, I just don't know enough about it right now. But if I'm in that job and the mayor of Sault Ste Marie wants to meet with me, I'll meet with him.

Mr Martin: OK.

The Chair: The bad news is—

Mr Martin: Just one quick, short, little—

Interjection.

Mr Martin: On behalf of my municipality, I just want to ask one quick other question.

Mr Sadinsky: It's fine with me.

Mr Martin: At one point, both the chair of the board and the president of the corporation were from the Soo. Fred Griffith was the chair of the board and Ian Nielsen-Jones and then Garth Manness were presidents, and they both lived in Sault Ste Marie.

You're from Kingston.

Mr Sadinsky: That's right.

Mr Martin: We were wondering if you'd be, I guess, sympathetic to the possibility of the president of the corporation either being from or, if chosen from someplace else, being asked to live and set up shop in Sault Ste Marie?

Mr Sadinsky: Do you mean the CEO?

Mr Martin: Yes.

Mr Sadinsky: Again, I think that very much depends on what I said previously; that is, where does it make the most common sense to have your senior executives? If a case can be made for locating a CEO outside Toronto—in Sault Ste Marie or wherever—then that's the sensible thing we should do. But as I said, at this point I would want to educate myself about the history of the problem, the rationale for the changes that have been made, the arguments for and against making changes back or in the other direction and then, subject to the conclusions you reach on that issue, that's what will drive where you locate your senior people.

The Chair: Thank you very much. In fairness, I want to let Mr Mazzilli have a question. I know they waived their time, but Mr Mazzilli has a question.

Mr Mazzilli: Thank you very much, sir. I certainly will be voting for your appointment. I think what you've heard today, and you said it yourself—the obligation. Obviously, the government feels the Ontario Lottery and Gaming Corp has an obligation to turn over a certain amount of money every year; Trillium feels the Ontario Lottery and Gaming Corp has the obligation to turn over a certain amount of money every year; and the racing industry. But the final one is what Mr Martin spoke about: no matter what our feelings are on gambling, if you will, there's another obligation, the 5,000 or so employees who work for the Ontario Lottery and Gaming Corp whose sole shareholder is the government of Ontario. We often forget that obligation. We get very personal about our beliefs about gambling, but we forget about all the obligations we have with this corporation.

Finally, I wish you luck with all those obligations. If I could just lobby for the London community, I understand that Mr Martin wants offices in Sault Ste Marie, whether it makes sense or not, because of his community. But in southwestern Ontario, we're not a thriving area either, and I know we could certainly use some offices of the Ontario Lottery and Gaming Corp in our area. I know that Mr Johnson has several small communities around London that he represents. Mr Wettlaufer—

Mr Wayne Wettlaufer (Kitchener Centre): We're self-sufficient.

Mr Mazzilli: You're self-sufficient, but in London we're not. We've had slow population growth over the last decade.

Mr Sadinsky: Mr Bradley used to have a racetrack in his area, and he doesn't have it any more.

Mr Mazzilli: The racetrack in London is doing quite well, but certainly we would appreciate any administrative or enforcement types of jobs you could bring to our community.

The Chair: I did want to give Mr Mazzilli a chance, because we strayed over. Even though you had given up your time, I wanted to show how benevolent I can be to you, Mr Mazzilli, because you're very good.

Mr Mazzilli: On a point of order, Mr Chair: We certainly give up our time, but somehow I see it never makes any difference on the time, so obviously our time gets used up by others.

The Chair: It always makes a difference. Sometimes the witnesses give a fulsome answer, which we hope they always will, on these issues. That's what happens sometimes; I don't like to cut the witnesses off when they're in full stream, because I know you're anxious to hear everything the witness would have to say.

Mr Mazzilli: Perhaps you should cut off the questioners.

The Chair: I will take your reprimand as I should, Mr Mazzilli.

Thank you very much, sir, for being with us.

Mr Sadinsky: Thank you very much.

1440

MARGARET THOMSON

Review of intended appointment, selected by official opposition party: Margaret Thomson, intended appointee as member, Northern Ontario Heritage Fund Corp.

The Chair: Our next intended appointee is Margaret Julie Thomson, intended appointee as member, Northern Ontario Heritage Fund Corp. You may come forward, Ms Thomson. We welcome you to make an initial statement if you wish and then we'll have questions from members of the committee as they see fit.

Ms Margaret Thomson: Good afternoon, Mr Chairman and members of the committee. I've prepared a short statement outlining just a little bit of my background and the things I think I would bring to the position as a member of the board of directors of the Northern Ontario Heritage Fund Corp.

I'd like to begin by thanking you for the opportunity to be with you today to make my presentation concerning my candidacy for appointment to the Northern Ontario Heritage Fund Corp board of directors.

Should I be privileged enough to be appointed to and serve on the NOHFC board, I would like to share with you what I believe are some of the attributes I would bring to the position and which I hope would comple-

ment the work being done by the current team of directors on the board.

First of all, I'd like to talk a little bit about my commitment to northern Ontario. I am passionately committed—that's a word that's used by friends and colleagues about me, that I sometimes come across as very passionate about my commitment to northern Ontario. I am committed, in my own small way, to doing whatever I can and contributing wherever possible to improving the economic and social well-being of northern Ontario, where I have been very fortunate and privileged over the past 26 years to work, live, play and raise my family. Because of what northern Ontario has given to me, I continue to feel a responsibility and commitment to give back to the community.

The second point would be what I feel is my understanding, appreciation and knowledge of northern Ontario communities. Over the past 12 years, I have been involved in many initiatives, projects and studies across northern Ontario which have provided me with excellent opportunities to develop an understanding and appreciation of community life, its challenges and opportunities in many northern Ontario municipalities and in particular in First Nation aboriginal communities. These experiences include working on industrial adjustment services committees in the communities of Ear Falls, Red Lake, Fort Frances and Kenora. These committees also included representatives from many First Nations from the surrounding areas and labour representation. I worked on each of these committees, sometimes between six and 12 months, during which time I was able to get to know the people within the communities and First Nations and to understand their visions, hopes and dreams for their communities.

I have also been involved in the planning, development and implementation of the aboriginal involvement programs related to the construction of four major wood processing facilities in northwestern Ontario. These are in the areas of Barwick, which is the Emo-Fort Frances region, Ear Falls, Red Lake area, the Kenora district, and the latest one was a wood processing facility located on Fort William First Nation but owned and operated by Bowater Forest Products. These programs also provided me with excellent opportunities to work with approximately 24 First Nations and surrounding municipalities on the development of pre-employment training programs, developing agreements for economic co-operation between the forestry companies and the First Nations, and the development of specific economic development initiatives related to these agreements. Some examples of these initiatives include the state-of-the-art, award-winning Wabigoon Ojibway Nation tree nursery located on the Ojibway First Nation near Kenora, and the First Nation ranger program, which has been supported by both federal and provincial governments for the past three years and is a program for First Nation youth from nine First Nations across Treaty 3, Treaty 9 and Treaty 5. I've been recently working with the Rocky Bay First Nation on a non-reserve birchwood processing facility.

Over the past 18 months I've also worked on three major studies, which have also given me the opportunity to travel to many communities across northern Ontario, including First Nations. I had the opportunity to go from Fort Severn in the north to Kenora to Sault Ste Marie to Sudbury and Parry Sound and all points in between. Through these visits and discussions with local community representatives, I've gained a greater knowledge of northern Ontario.

I am also privileged to be working on a number of projects with the Northern Chiefs Council, which represents six remote northern communities, and Shibogama Tribal Council, which also represents a number of remote communities.

In a former life, I was working for the city of Thunder Bay as director of the parks and recreation department, which gave me experience in developing proposals for funding for various capital works projects in the city of Thunder Bay, projects like trail systems, community centres and senior citizens' centres.

As to my experience on advisory boards and committees, I've served on two provincial ministry advisory committees. The first one was Minister Hugh O'Neil's sport, fitness and recreation advisory board. I also served on the millennium special projects advisory committee, which reviewed and recommended applications for funding for projects to celebrate the millennium.

I also served on the current federal government's steering and advisory committee for the aboriginal workforce participation initiative, and I currently serve as a board member on the board of governors' foundation of Lakehead University.

That's just a little bit of my background that I think would serve me well as a board member. Thank you again for the opportunity to share some of this with you.

The Acting Chair (Mrs Leona Dombrowsky): Thank you, Ms Thomson. We will begin with the official opposition.

Mr Gravelle: Good afternoon, Ms Thomson. It's good to see you here. Thank you for coming down from Thunder Bay.

Certainly I want to have an opportunity to ask you about the heritage fund itself and some of your thoughts in terms of the direction of the fund, but if I may, I'd like to ask how this appointment came about. We're always interested in the process by which people have their appointments made, so if you could let us know just how the process went.

Ms Thomson: In my work, I'm associated with the heritage fund from a professional perspective, but I was attending a social function and an acquaintance of mine told me that there were some vacancies that might be coming up on the board and asked if I would think about putting my name forward. So I developed my resumé and sent in the application.

Mr Gravelle: May I ask if there is any political connection? As you well know, there are a number of people who I think have shown great interest in being on the heritage fund, because there have been a couple of

vacancies. So can I ask, do you have a political connection with the government as well?

Ms Thomson: Not in—

Mr Gravelle: Are you a member of a political party?

Ms Thomson: In the past year I have a membership in the Progressive Conservative Party in Thunder Bay-Atikokan.

Mr Gravelle: As you know well—and may I say to the members of the committee that I know Ms Thomson quite well and admire her work very, very much. She's done and continues to do remarkable work, particularly with the First Nations. I hope we have enough time to get into a little bit of that, because I think it applies very helpfully in terms of the possible advantage of the heritage fund itself.

The heritage fund is a very important economic development fund for northerners, and certainly I have my thoughts on it in terms of some of the things I've perhaps been somewhat critical of. But I really want to use this as an opportunity for you and for the nominee who will be following you as well to give some sense of how you feel the heritage fund can be used in the north: one, whether there are some adjustments that you think should be made to it, or whether you think the funding that's in place now is being spent as you would spend it. In a way, I'm going to offer you a forum to give some thoughts on your vision for how the fund might work.

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Ms Thomson: As I mentioned before, my experience is on the other side of the table, filling out application forms. I think the eligibility criteria make it very clear about what projects would have merit. I would have confidence that in the process—and it's a two-step process that you have to put a lot of work into. By the time the projects with merit get to the board, I think they've been really well scrutinized.

As we know, in the north there's never enough money to meet the demands, and the demands are really increasing. The resources are spread a little more thinly, so it makes it even more important that those criteria are adhered to and the process is rigorous. I think with that process in place—my experience has been on projects that I've been involved with—of course our groups thought they had merit—and they were funded. I think one area where we could be a little more inclusive is in the area of First Nations. I'm not saying there's fault in any particular area. Sometimes it's because of lack of awareness, so maybe there could be a little more ambassadorial sort of word getting out.

My personal experience on particular projects has been that the heritage fund, particularly last year, came through, particularly with the First Nation ranger program that I spoke of before. That program wouldn't have happened without the heritage fund stepping in, and the project had merit.

Mr Gravelle: You're quite right. I certainly agree with you when you say that in terms of the amount of money there really is never enough, there are so many projects. That's one of the reasons we have some frus-

tration with the amount of money that's built up in the reserve fund. There has been a significant amount of money that has not actually been allocated. We're beginning to see more of those announcements now. I don't know whether that's got anything to do with politics or not, but there's more being announced now.

One of the things that has concerned me—I think that's the best way of phrasing it—is that the mandate or the criteria for the funds have changed considerably since the beginning of the heritage fund back in 1988 when indeed individual businesses could qualify for funding. It was in order to create jobs, and this government removed that entirely. I continue to believe that there should be at least a portion of it used to help northern businesses, because I think they have different challenges. I'd love your thoughts on that.

But what I'm specifically interested in you commenting on now is, what we've seen is that the fund now provides capital assistance for water treatment, for a number of infrastructure projects that are very important and for MRIs, for example, obviously for health care facilities, which are very important. What has struck me on more than one occasion—although I am the first to say, “Great. Thank you very much. We're glad to get the funding for it,” it seems wrong to me that it's not going through the ministry that it should be going through. The Ministry of Health should be providing the funds in terms of MRIs, for example, or perhaps the Ministry of Municipal Affairs. I'm curious as to your thoughts on that, because I guess what I'm seeing is that the heritage fund may be being used as a means of providing funds which should ultimately be coming from a more direct-line ministry. Do you have any thoughts on that?

Ms Thomson: As you know, the north is a very unique place to live, work and play, and so the demands are very diverse. Again, there wouldn't be enough money within one agency to fund all of those things. What I see as the benefit of heritage is particularly in the area of the strategic alliances, the strategic partnerships. I'm a true believer more than ever that everybody needs to be working together, because no single agency or government has the wherewithal to fund all of the demands in the north. Again, if the criteria are applied consistently, then the decision-making should be consistent and those projects with merit get funded.

I work on many diverse projects but they seem to fit those areas. I think the strength in the criteria right now is in that program with strategic alliances and partnerships. I'd say that on 99% of the projects I've worked on, it's a coming together of industry and non-profit or not-for-profit organizations, because that seems to be the only way to get things done right now. No single agency would have the wherewithal to carry the full load. So it's sharing the responsibility and the load around.

Mr Gravelle: I appreciate that answer. Do you think there should be at least a portion of the heritage fund that is allocated to northern businesses? As we all know, there are additional challenges in the north: distances, the environment and other things. When the heritage fund

was originally put in place, as I mentioned earlier, there were businesses that could apply for some help, and this government chose to stop that process. Is it something that you think should be looked at again?

Ms Thomson: I think I would have to be serving on the board to look at the types of business initiatives that might be considered. I think it's a different context altogether between non-profit, not-for-profit and the business sector. They tend to have more resources. We serve the people who need it the most. Sometimes we think that business has deep pockets, and they don't. That's something that I think could be looked at.

Mr Gravelle: One of the things we're all familiar with is the challenge of attracting businesses to the north. In terms of job creation, that can make a real difference.

How much time do I have? One minute?

The Acting Chair: Less than.

Mr Gravelle: Let me ask you then, if I may, very quickly, about the rather extraordinary work you've done with First Nations. You've been involved with some applications for the heritage fund itself. Can you see a more direct way to actually have the fund more accessible to our First Nations communities in terms of projects, or are you reasonably satisfied that it's working in terms of accessibility? I know one of the things we all hear about, and it probably goes for all government programs, is that it's hard to access and it's hard to get a response—that sort of complaint. Have you found that in your own experience, particularly working with First Nations communities? Do you think it can be improved or changed?

Ms Thomson: There's always room for improvement but I think it's been a lot better in the last couple of years, just from the work that I've been doing. It's an awareness issue. It's also part of their responsibility to understand what's out there, so it's a communication thing. But I think just in the last couple of years, projects that I've worked on have all been funded. So I think there's more heightened awareness among the First Nations—more of the First Nations that are in the urban setting; not so much in the communities, say, in the remote regions. But that's a factor of living in the north. It's that distance, and distance creates communication and access problems. It's hard for somebody in Fort Severn to jump on a plane and come down and talk to the heritage people in Thunder Bay, for example, so some of those barriers could be broken down perhaps a little more. But I see a lot more First Nations taking advantage of it and creating more awareness that the heritage fund is there for projects of merit that they may have.

The Acting Chair: Mr Gravelle, that would conclude your time. We now move to the third party.

Mr Martin: Good afternoon. Thanks for coming. I wanted to perhaps follow up on some of the questioning from Mr Gravelle, to suggest that the heritage fund was initially established to take some of the cyclical nature out of the northern economy, to be there to help communities in times of difficulty; in other words, a rainy day fund. I don't know about you, but my experience in my area—Algoma and the Soo—is that it's pouring cats

and dogs. There isn't a community in the north that hasn't lost significant population in the last seven or eight years, since the census of 1996, I guess. My own community has gone from over 81,000 down to an official 75,000, but our hunch is, when we look around and see the houses for sale—at the end of the year, for example, my kids saying goodbye to some of their friends as their families move out of town—we're probably closer to 70,000. We're in big-time crisis.

What concerns me is that we're sitting on a fund, which is supposed to be there for a rainy day, that is growing. It's almost a quarter of a billion dollars now not being delivered, not put out there into the communities to be used to stimulate, to help and assist. I've got some ideas on how it could be used more effectively. What might your thinking be on that and perhaps some ideas that you might have?

1500

Ms Thomson: Not having been on the board, I think I'd have to get a little bit of experience and a better understanding of what projects have been funded. I look to a fund like the heritage fund to be responsive to the needs of the community, and those needs, as you say, are changing rapidly. The pace of the change—it's hard to keep up with all of the demands; I think perhaps getting the word out there more about what programs do exist, and there is some flexibility within the five areas.

We're facing the same problem. There was an announcement in Dryden just yesterday about 300 positions. A program like the heritage fund, as much as you have the criteria—I think there should be some room, some flexibility and some opportunity to be responsive to those changing needs. How you do that and keep the merit there, maybe that's something that could be looked at. I can only go on my personal experience, and I found it to be responsive to the things that we've been pursuing on behalf of the communities. But there could always be room for improvement.

Mr Martin: That certainly has not been my experience. The people I've talked to in the Algoma district tell me primarily that they can't afford the 20%, 30% or 40% they're expected to bring to the table—that's one of the issues—and there doesn't seem to be the flexibility there to take that into account. When they come to the fund or the ministry for dollars, given the downloading and the reduction in other areas of funding, the money just isn't there.

I know for example in my community, where they actually did have the money, we applied to the heritage fund for an extension of our boardwalk, which would have created a wonderfully expanded tourism attraction. That has been talked about by many people who have come to the Soo as a very wonderful asset. The Norgoma, which is a ship we have parked beside the Holiday Inn, Roberta Bondar Place—they applied for money to upgrade that and fix it up. They applied for money for the bush plane museum. All of those projects were turned down.

Another project that I have some personal interest in: there's a group of disabled people in my community who want to have a conference in the fall to bring in all the communities to look at how the Ontarians with Disabilities Act is playing out, to expose them to our community and develop a sense of camaraderie there and move that agenda forward. They applied for \$25,000 and were turned down. I just don't know what the hell is going on. I phoned the office and said, "What is happening?" and the woman I spoke to said, "You tell me." I don't know.

Ms Thomson: Just yesterday we had the opening of the Chippawa Park revitalization, and the heritage fund played an important role in that project. I understand when you put an application in, there has to be a certain amount of money that comes from the applicant, but we found creative ways to work with that by developing those partnerships. For example, with the First Nations, the majority of them have zero dollars to put in as their community share, so we work with industries to get them to contribute a community share. That's what I was mentioning before, that it takes a lot of alliances and a lot of partnering to put the right packages together. That's what we put our energies into: developing those relationships. But why some projects get funded and others don't, I would think it's just who meets the criteria and who—

Mr Martin: I suggest to you that it may have something to do with politics too. You said that just in the last year you got a blue card and joined the Progressive Conservative Association. Is that correct? I think you said that in the last year you had joined up. I was speaking to the mayor of one of the small communities just east of the Soo. She said she was at a gathering, trying to get a meeting with one of the ministers and one of the minister's staff sidled up to her and said, "Do you have a card?" She said, "Well, of course I do." She pulled out her mayor's card, and he said, "No, no. Do you have a membership card in the party, because that's how you get the door open." So it's really hard not to become cynical.

The other piece I've been putting forward for quite a while too in terms of the heritage fund is that when this government came into power, they were the first government to say—and this is really surprising, given the nature of the government—that the private sector couldn't apply. We're told on one hand that the private sector is going to drive any renewal that's going to happen in the economy, and yet they can't apply to the heritage fund for funds to help them get into a new line or back up a line of credit or attract a new investor or whatever. Don't you find that strange?

Ms Thomson: There are other agencies that would provide that sort of funding, but I think it goes back to the sort of hierarchy of the need. With limited resources, who needs the most—

Mr Martin: But we're sitting on \$240 million. It's not limited resources. There's too much resources if you look at this. They can't spend the \$240 million that they have.

Ms Thomson: I don't know the figures.

Mr Martin: That's what's in the paper that was prepared for us today, and I've seen it before because I read the annual report of the heritage fund, that \$239,187,000 is sitting in a fund unspent at the end of fiscal year 2002-03. I don't know. Anyway, those are all my questions.

Mr Wettlaufer: How much was that again?

Mr Martin: How much? It's \$239,187,000.

The Acting Chair: We would move to the members of the government. You have three minutes remaining, Mr Wettlaufer.

Mr Wettlaufer: Good afternoon, Ms Thomson. How are you?

Ms Thomson: I'm very well, thank you.

Mr Wettlaufer: Good. Ms Thomson, in my role as parliamentary assistant to tourism, I travel into north-western Ontario a lot. I think I've seen you once or twice up there.

Ms Thomson: Is that right?

Mr Wettlaufer: I do have a fair amount of interest in what goes on in the north. It's interesting that Mr Martin raised the fact that there was \$200 million left—

Mr Martin: It's \$239 million

Mr Wettlaufer: —\$239 million—in the northern Ontario heritage fund monies. If your government had stayed in power, there wouldn't have been any money in there.

Mr Martin: Absolutely. We would have spent it all.

Mr Wettlaufer: So I think it's a matter of establishing priorities, and I think you would agree with that, Ms Thomson.

Coming from northwestern Ontario, I wonder if you have a reaction to yesterday's news announcement on the fact that the CTC, which is the Canadian Tourism Corp, totally forgot about northwestern Ontario in its tourism advertisements in its brochures. Do you have a comment on that, one that can be printed?

Ms Thomson: I've sat on some committees where maps have been on the wall and northern Ontario's supposed to be there, and Thunder Bay and points west and north of that are not on there. So it's not uncommon for people not to remember us.

Mr Wettlaufer: This is a land mass of, what is it, 229 million or 249 million square miles. That's more than western Canada.

Ms Thomson: Yes, it's sad. I've lived in northwestern Ontario for 26 years and I think sometimes it's the best-kept secret as far as beauty and natural resources go, so I don't know how anybody could forget about us, but it does happen.

The Acting Chair: That would conclude your time. Thank you very much, Ms Thomson.

1510

JOHN SIMPERL

Review of intended appointment, selected by official opposition party: John Simperl, intended appointee as member, Northern Ontario Heritage Fund Corp.

The Acting Chair: At this time, we will hear from the intended appointee, Mr John Simperl. Mr Simperl is intended to be appointed to the Northern Ontario Heritage Fund Corp. Am I pronouncing your family name properly, sir?

Mr John Simperl: You are.

The Acting Chair: Thank you. I would invite you to make some opening comments, Mr Simperl, and following that, there will be questions from members of the government, the opposition and the third party. You will be with us for one half-hour. Good afternoon.

Mr Simperl: Madam Chairman, fellow committee members, good afternoon. I'd like to thank you for the opportunity to appear before you today and provide some information if you so wish.

To me, the Northern Ontario Heritage Fund Corp is a very important board that can provide the direction and support required to develop assets and create much-needed jobs in northern Ontario to assist in deferring the outward migration of the younger people. I feel that I have the enthusiasm and the experience to assist the board in meeting its challenges ahead.

Some background on myself: I was born and raised in Manitoba. Upon completing my schooling, I joined the Bank of Montreal in a management-training program, which I completed in half the time allocated. I then proceeded to work my way up through the ranks at various branches throughout Manitoba, Saskatchewan and northern Ontario. Among the positions I held in addition to the branch operations was as an internal auditor for two years, where I audited portfolios basically in Manitoba, northern Ontario, Saskatchewan and some in southern Ontario. After that, I proceeded to what the bank considered a portfolio manager or workload position, which was to endeavour to assist in collecting funds that they had in a high-risk position with clients and to try to work out with the clients a procedure for them to regain their operations and work more opportunely for themselves.

I moved to Thunder Bay in 1987 to take on a senior account manager position with the bank in their commercial lending field. After five years, my portfolio had increased over 500%, and I had also taken over the position of supervising the other junior lenders in the situation in not only Thunder Bay but from basically the Manitoba border to Schreiber. At that point, the bank had offered me a promotion and, between my family and I, we decided it was best that we remain in Thunder Bay. I commenced working for a local highway contractor at that time. Since then, the highway contractor has also progressed into residential development, commercial development and owning some retail businesses.

In my position with them, I supervise the housing and land development areas, assisting in the leasing of rental properties and providing management and advice to the affiliated companies that they participate in. I also handle financing activities for all the companies involved.

My community involvement has been in numerous areas, although predominantly through Kinsmen. Over this period of time, I chaired a main building committee

which was for a community recreation centre that was approximately 7,000 square feet. We jointly built this in participation with the city of Thunder Bay, local trade contractors, Human Resources Development Canada, some of the local labour union boards, youth employment services and numerous other volunteering groups. I also sat on the chamber of commerce task force groups for fairer property tax assessment, and I have assisted the United Way in their various fundraising activities.

In closing, I'd like to say that my experiences in both the financial and construction fields should enable me to assist the board in the years ahead. Thank you very much for the opportunity to speak to you.

The Acting Chair: Thank you very much, Mr Simperl. We should be moving to the third party; however, we do not have a representative at this time so we will move to members of the government.

Mr Wettlaufer: Good afternoon, Mr Simperl. How are you?

Mr Simperl: Fine, thank you very much.

Mr Wettlaufer: Good. I would like to repeat the question that I asked Ms Thomson and look for your reaction to northwestern Ontario being neglected in CTC's advertisement yesterday—sorry, the advertisement was the day before yesterday, but it was announced yesterday.

Mr Simperl: I'd say it's disappointing, but even when I was with the bank, our head credit department was out of Toronto, and lots of times the information sent to us in Thunder Bay went to North Bay. So some of the situations are a grasp of the size of the province and where everybody is located.

Mr Wettlaufer: Do you not wonder what the effect is going to be on business interests in northwestern Ontario, those that are affected largely by tourism?

Mr Simperl: Just in some information that we have, one of the companies we're associated with runs a small resort and last year the number of calls from the border crossing and the Terry Fox monument, which are the tourism agencies, did an average of about two a day for drop-in traffic. Now you're averaging about one a week on that. So tourism traffic is definitely down, both across the border and for people touring Canada.

Mr Wettlaufer: Last summer and in the fall, Norm Miller, who is the parliamentary assistant to the Minister of Northern Development and Mines, and myself toured northern and northwestern Ontario to try to devise a strategy, a plan, for increasing tourism in northern and northwestern Ontario. Needless to say, many of the participants in the seminars and consultations were resort-based as well. There was a fair amount of discussion during the course of those consultations relating to the CTC's involvement in northern and northwestern Ontario and what it could do. I just find it a little bit strange now that the CTC could totally ignore such a valuable part of Ontario as northwestern Ontario, such a beautiful part of Ontario. Do you have any further comment on that, one that we could pass on to the federal government?

Mr Simperl: Unfortunately, not knowing all the background on it, I don't think it's proper for me to comment.

Mr Wettlaufer: OK. Thank you.

The Chair: Thank you, Mr Wettlaufer. Any further?

Mr Wood: We will waive the balance of our time.

The Chair: OK. I'll move to the official opposition.

Mrs Dombrowsky: I did note with some interest that at the present time you are the director of conservation, science and stewardship with the Nature Conservancy of Canada. Are you familiar with the work of Mr Charles Sauriol?

Mr Gravelle: You've got the wrong guy.

Mrs Dombrowsky: Oh, I'm sorry. I'm ahead of myself. Well, a question for next time. OK, my question for you, Mr Simperl—I was just going through my papers and thought, "I didn't note that before." With respect to this role, can you explain how it is you are here today as an intended appointee to the corporation?

Mr Simperl: Here's how it started. I was a friend of Mr Heikkinen, who was on the board quite a while ago, and I know Mr Mallon, and then Mr Wilson was appointed. I was at a chamber meeting and it was announced that he was leaving his appointment on the heritage board and that there would be an opening. I saw the value that the board can do in northern Ontario, so I discussed it with a couple of people in the PC Party in Thunder Bay and forwarded my application.

Mrs Dombrowsky: Some of those names I don't recognize. Mr Wilson: would that have been the Minister of Northern Development and Mines?

Mr Simperl: No, that's Harold Wilson, who was a member of that—

Mr Gravelle: One of the former members.

Mrs Dombrowsky: I see. He would be a former member of the corporation. Do you have a political affiliation?

Mr Simperl: I presently hold a PC membership as well as a Liberal membership.

Mrs Dombrowsky: Are you suggesting that one is at the federal level and one is at the provincial level?

Mr Simperl: Yes. I hold an Ontario federal Liberal membership.

Mrs Dombrowsky: And an Ontario provincial Conservative membership?

Mr Simperl: Correct.

Mrs Dombrowsky: Are you active in the local association?

Mr Simperl: Not directly, no.

Mrs Dombrowsky: You don't have an executive position and you're not involved with any campaigns, either in the past or upcoming?

Mr Simperl: I haven't been in the past. Actually, for the federal PC board, I was nominated for a director's position.

Mrs Dombrowsky: OK. I think my colleague now has some questions as well.

1520

Mr Gravelle: Welcome, Mr Simperl. I'm also very familiar with this gentleman, who is a very valuable member of our community. I want to just compliment you, if I may, and say publicly, in terms of the Northwoods multipurpose facility, it's a remarkable story. Your involvement with the cystic fibrosis telethon, in which I've had some passing involvement—I sing karaoke on this, for the members of the Legislature. I do karaoke. John, you'll confirm that.

Interjection: I'd like to hear that.

Mr Gravelle: It's true. I do it every year.

Interjections.

Mr Gravelle: It's a great cause.

I'm glad to have the opportunity, though, to ask you some questions, many of which I was trying to ask Ms Thomson as well. I am interested in your thoughts on the heritage fund itself and I have some interest in your thoughts relating to the private sector. Mr Martin brought it up in his questions as well.

Do you think, because that certainly was the original mandate of the heritage fund, certainly being involved in one of the major businesses in our community with Bruno's, there is a place in terms of assistance for northern businesses, the private sector, and that the heritage fund should play that role again in some fashion?

Mr Simperl: I guess the key in most positions these days is with government entering these partnerships. You see it between universities, colleges, businesses and that. Without knowing the exact basis and going into detail, I'd have to say that it should be looked into.

Mr Gravelle: I know it's difficult coming here when you're being appointed, but I also know that you are, again, much like Ms Thomson, very involved in the community and have a great sense of what's needed. I think perhaps outside the confines of this situation you might be a little more candid with me and I appreciate that. But do you have some thoughts as to how the heritage fund should be working? You made reference to your relationship with Mr Heikkinen, who was a former member and who we tragically lost in a terrible car accident. Do you have some thoughts on exactly how the heritage fund should be moving forward?

Mr Simperl: I feel that the monies that are there should be dealt with and that all good proposals that are put forth should try to be assisted with the fund. I realize that Mr Martin's comment about the excess money in the fund is the same situation as when I was at the bank. I could say that I had \$100 million in loans approved, but until the parameters are met to advance the money, there might have only been \$20 million outstanding at the time. So I can't honestly say how much of that money is already committed because I'm not familiar with that. But I think the money that is injected into the fund should be utilized in the north for creating opportunities.

Mr Gravelle: It does seem like a lot of money, though. The reserve is simply continuing to build up. I

guess that leads me also toward some of the areas that I have had concerns about. The fact is that the fund does appear to be being used in—it's all very important funding; I've never argued with it. I can't recall arguing with any announcement that was made. It's just that it seems to be funding that I would view as should be coming from the Ministry of Health or should be coming from the Ministry of Municipal Affairs. Have you ever drawn the same conclusion or the same thought about it? It bothers me, I suppose is the most honest thing to say, that the funding appears to me to have changed and now is being used as a top-up fund for other ministries. I would like to think that if indeed we should be getting an MRI in Kenora—I think Kenora did receive some money for it, actually—that it should be going through the appropriate ministry. I would like your thoughts on that too, if you can.

Mr Simperl: Again, Mr Gravelle, without knowing the basis of the situation I don't really think it's proper for me to comment on what somebody else has done.

Mr Gravelle: I certainly understand how the board works—I have a pretty good sense of it, with the chair being the minister, and the vice-chair. But do you see yourself taking a more activist position in the sense of looking at how the heritage fund works and saying, "These are some ways we think it can work differently"? Again, coming very much from the private sector, I would think you might have an interesting viewpoint as well.

Mr Simperl: I think that any board you get involved with, it's your obligation to sit on the board and if you see things that can maybe work better or areas where you can provide maybe a little bit of direction, that at least you should bring it up for consideration by the board. I think it's the obligation of everybody sitting on the board to do that.

Mr Gravelle: If I may also make comments in reference to Mr Wettlaufer's comments about the Canadian Tourism Commission's brochure or guide that was put out there—and I appreciate it was difficult for you to comment on it—it was astonishing that northwestern Ontario was essentially left out, as if it didn't exist. But I must tell you, there have been some provincial maps and brochures put out there where we've had communities mixed up—you're probably familiar with that as well—which we always find very frustrating in the north. May I say, one of the challenges of being a northern member is coming down here and making sure the government actually understands what the realities are up there, so I appreciate Mr Wettlaufer's great interest.

Mr Simperl, thank you very much for taking the time to come down here. We appreciate your doing that. I'm sure you'll be a fine member.

The Chair: That concludes the questions. Sir, you may step down. Thank you for being with us.

JOHN RILEY

Review of intended appointment, selected by official opposition party: John Riley, intended appointee as member, Niagara Escarpment Commission.

The Chair: The next intended appointee is Mr John Riley, intended appointee as member, Niagara Escarpment Commission.

As I am the environment critic, I will leave the chair and have Mr Gravelle come in, and I might get a chance to ask a couple of questions if he is looking my way—sorry, I mean Mrs Dombrowsky.

Welcome to the committee.

The Acting Chair (Mrs Leona Dombrowsky): Good afternoon, Mr Riley. You heard the question I was going to ask you already, but since I'm in the chair, I won't be able to ask it, so perhaps I'll be able to connect with you when this meeting is concluded. You have an opportunity, of course, to make some opening remarks for us, and that will be followed by an opportunity for members of this committee to ask questions of you. You will be with us for one half-hour. The time will be divided equally. So if you'd like to begin.

Mr John Riley: Thank you very much for your interest in my proposed appointment to the Niagara Escarpment Commission. The commission is now 30 years old. Looking back, I can recall meetings with Robert Bateman, Lee Simms, Lyn MacMillan and others around the table at the commission. I remember Ray Lowes's drive to create the Bruce Trail. I remember hearing about early commission members getting gun shells in the mail and the Premier being burned in effigy in Grey county. I am very grateful that we've now reached a slightly more advanced state of maturity in Ontario around environmental land use planning. The Niagara Escarpment plan was a key contributor to this maturity, and its concepts of core natural areas and natural landscape linkages are now part of green space planning in almost every region and municipality of Ontario.

My family and I have had a place in Mono township for 20 years now, near where the Oak Ridges moraine meets the Niagara Escarpment, so I take it as a special privilege to be considered for this appointment.

I studied botany and geology at university and was a botanist on the staff of the Royal Ontario Museum and then a geologist with the Ontario Geological Survey. In both jobs, I got to explore almost all of Ontario, by helicopter, boat, plane and by foot, and I have developed a very keen interest in Ontario's natural history and its sheer physical reality.

I joined the Ontario Ministry of Natural Resources in 1986 as an ecologist working on natural heritage policies and programs across southern Ontario: rare species and habitats, parks, ANSIs and wetlands. I helped to develop the province's first-ever natural heritage policies under the Planning Act. I tried to interpret environmental planning for non-scientists, writing something called The Natural Heritage of Southern Ontario's Settled Land-

scapes. After the plan area was recognized in 1990 as a UNESCO world biosphere reserve, I organized the inventory of the escarpment, which resulted in the 1996 Ecological Survey of the Niagara Escarpment Biosphere Reserve.

I then had the privilege of serving as science director and then executive director of the Federation of Ontario Naturalists. I helped lead the partnership of conservation groups that engaged the province's Lands for Life review of public land uses. I was a signatory to the Ontario Forest Accord on behalf of the conservation community and served as a member of the Ontario Forest Accord Advisory Board, which recommended new ways of allocating Ontario's public forest resources in a 2001 report called Room to Grow.

1530

For the past four years, I've directed the science and stewardship program of the Nature Conservancy of Canada in support of our direct conservation actions. Our work focuses on creating science-based blueprints for the Canadian ecoregions at greatest biodiversity risk and on setting the securement, stewardship and conservation priorities of our own organization and some of our partners.

In 2001, I served on the Oak Ridges Moraine Advisory Panel, which recommended environmentally based legislation, a conservation plan and a foundation for the moraine.

To say that I look to the Niagara Escarpment as a model would be an understatement. You will all personally remember the new legislation receiving unanimous approval in 2001, and the plan and the foundation came soon after. I know and appreciate Ontario's unique slice of our nation's natural diversity as well as the global significance of our Great Lakes, defined as they are largely by the Niagara Escarpment.

The escarpment and all of Ontario's natural heritage of great places need our vigilance and support over the next 20 years as we invite three million new Ontarians to set up shop within 50 miles of the plan area. Our infrastructure, green and otherwise, will be severely tested in every respect. I would like to contribute to a commission that keeps itself credible and relevant and at the same time meets the test that I think it set for itself when it was first adopted: to be the leading science-based environmental land use plan in Canada and a positive, respected and understood attribute of the communities that it is part of. Thank you very much.

The Acting Chair: Thank you, Mr Riley. Since the members of the government opened with questions last time, it would be the members of the official opposition.

Mr Bradley: Welcome to the committee, sir. The first question I would have is, there was an instance where the present Minister of Natural Resources—and I'll put in parentheses: not the minister himself but the minister with a small m, who should never be the person in charge of the Niagara Escarpment Commission—overturned a decision of a hearing officer in Milton on some severances. There was an additional severance. You may be

aware, through your long experience, and you may come to this conclusion, that the severance is death by a thousand cuts, that if you keep allowing severances anywhere, on farmland and wherever else, you end up with no farmland. It's not done in one fell swoop, but it nevertheless happens.

How do you view the Minister of Natural Resources in this case overturning the decision of a hearing officer who has heard all of the evidence provided by both sides, has all the evidence before him, makes a decision, and then has the minister politically overturn it? Do you have a view on that?

Mr Riley: I'm sure he had much more information available to him than I do today at this juncture to answer that question. I'm of the general, and probably rather idealistic, mode that the plan and its designations and the permitted uses under those designations represent at any particular time the view of the government and of the people who have worked to undertake the reviews and who could alter the plan. And so the commission should stand in support of that plan. I understand there are appeal mechanisms beyond that. That's the way the system works around the escarpment right now.

Mr Bradley: That was a reasonably evasive answer that I would have expected.

Mr Riley: I would prefer to talk about—

Mr Bradley: It would be very unfair. Actually, I didn't expect until at such time you are at least confirmed that you would be able to offer an opinion on that, but nevertheless it was a try, let me put it that way. It was a try.

Do you believe it would be better, in your opinion, offering a personal opinion, for the Niagara Escarpment Commission to answer to the Ministry of the Environment rather than the ministry of, often, the exploitation of natural resources; in other words, the Ministry of Natural Resources?

Mr Riley: If I'm not mistaken, Ontario experimented with this in a variety of ways and it's moved back and forth—is it three times? You're keeping score, I gather.

Mr Bradley: Three I can remember: municipal affairs, environment, and now natural resources.

Mr Riley: I don't really myself feel that, with the rather shallow awareness I have of this matter, I have perceived that much difference in the actual delivery as I see it related to a particular ministry. I think it has varied in its execution more related to the party in office than the ministry to which it's answering.

Mr Bradley: You have no connection, I take it, to the—I should put on the table the reason I ask this. When I look at the members of the present commission—I had a list here a moment ago—there was representation from, believe it or not, the resource extraction industry sitting on a commission which is designed to protect the Niagara Escarpment. You have no connection to the resource extraction industry in any way; is that correct?

Mr Riley: I do not.

Mr Bradley: I'm relieved to hear that, because I've seen a couple of occasions where that has happened and it's certainly flummoxed me in my viewpoint of it.

Mr Murdoch, who is a member of the Legislature who has an independent view—this is not a government view necessarily—on the Niagara Escarpment Commission, put forward a private member's bill in the House which would have abolished the Niagara Escarpment Commission and turned over responsibility for the planning to local councils. I could offer an editorial opinion—I will not—on that. Would you be in favour of that, of abolishing the Niagara Escarpment Commission and turning the planning responsibility—

Mr Riley: My understanding, from talking to some of the people involved in the original thinking around the legislation and the plan, was that at some ideal point in the future there would be an opportunity perhaps to consider this. I believe there is a section in the legislation itself that does allow municipalities to apply for some role in the delivery of the plan. My understanding is that no municipality has ever stepped forward formally to ask for that section of the act to be applied, so perhaps we just haven't got to that state yet where municipalities want to take that on.

Mr Bradley: Well, heaven forbid they do, because there are different kinds of pressures. Some of us have served at the municipal level. There are different kinds of pressures that are applied on a local basis to municipal politicians than there are on others.

I know a person who is sympathetic to that view and is no longer a member of the Legislature, but who I want to say on the record I thought was an ally of the Niagara Escarpment Commission. That's the member who preceded Mr Eves in his particular seat. I think the government members know that, that Mr Tilson was a person who was protective, as was Mr Sterling, who was responsible initially for bringing forward the plan. It was always my suspicion—I have this suspicious mind—that the government members think the reason they took responsibility for the Niagara Escarpment Commission away from the Ministry of the Environment was to take it away from Mr Norm Sterling. But the government members would think I was too cynical and suspicious in coming to that conclusion, I'm sure.

I won't ask you that, but I will ask you this: the Niagara Escarpment Commission, to do its job appropriately, like so many environmental parts of government, needs additional staff and additional funding because it was cut back drastically, the same as the conservation authorities, the Ministry of the Environment, the Ministry of Natural Resources. Would you be supportive of the Niagara Escarpment Commission being able to acquire the appropriate staff and financial resources to be able to provide recommendations to you, if you are appointed and confirmed as an appointee to this board? Do you think that would be an advantage, to have those kinds of resources available to the Niagara Escarpment Commission?

1540

Mr Riley: I can only agree with you, but I work in the private sector. I'm interested in very lean operations. It has been our success as an organization.

I am aware, from my own personal experience, that the profile of the Niagara Escarpment and I think some of the changes in attitudes of landowners along the escarpment over the last couple of decades have been fostered by some very strong early investments in communications and materials outreach, landowners' contact and support, and those are aspects of the commission's role that I would like to see strengthened, certainly.

Mr Bradley: We in the opposition always ask this question. Do you have any political affiliation? It's a dangerous question when you don't know the answer.

Mr Gravelle: It's very dangerous.

Mr Riley: No, I do not.

Mr Bradley: That's an advantage, probably. Around this place that's probably an advantage, to longevity at least. The government members would be very disappointed if we didn't ask that. You know, they look over, almost begging the opposition to ask this question every time.

Mr Wettlaufer: If you didn't ask it, I would.

Mr Bradley: I knew it. Wayne was going to ask that for sure.

I had another profound question and I can't remember what it was. Oh, yes. It was on a controversial issue that is in the public domain today, and that is the mid-peninsula corridor, which is a proposed highway which, under the proposed routes that I have seen, would go through the Niagara Escarpment, provide a cut through the Niagara Escarpment. It has been the subject of considerable debate in Halton and Burlington and Niagara. Do you have an opinion on whether a highway should be permitted to cut one more time through the Niagara Escarpment lands?

Mr Riley: My general opinion is, I don't think you can get from point A to point B without going through the Niagara Escarpment, given its lay on the ground. It is a great challenge, and I'm very interested in this severe test that I think southern Ontario will be going through in the next 20 years. To keep our engine of the economy working and engaged with its partners in the south requires transportation. To house and provide jobs and infrastructure for the kind of population growth that we're going through is a huge challenge.

I don't think there are any easy answers on any of this. This is very tough going. I think it's been relatively prescient of Ontario and, if you look at this in a North American context, quite outstanding to have stepped back and said, "Well, now, let's look at the big picture here. We'd better recognize and protect the Niagara Escarpment. We'd better take care of the Oak Ridges moraine and we'd better take care of our heritage coastlines of the Great Lakes." This in the next 30 years is going to really, I think, anchor our natural environment and our water resources and many other aspects of southern Ontario. But I don't think there are easy answers to

any of the really tough questions about population and infrastructure and investment in transportation.

Mr Bradley: One of the ways—

The Acting Chair: Thank you, Mr Riley. Mr Bradley, your time is well past. I'm sorry.

Mr Bradley: You notice how, when they're sitting in the chair, they have great enjoyment in cutting me off?

The Acting Chair: I did exercise a good deal of flexibility with your time.

Thank you very much, Mr Riley. Normally we would hear from the third party; however, Mr Martin did have to leave. We will ask if the government members have any questions. We have five minutes for government member questions.

Mr Johnson: I didn't have a whole lot, but I am impressed by the list of your publications that we've been given. I guess it's more to satisfy my own curiosity, because one of them, I think, was an inventory of peat lands.

The reason I'm interested is that I live in Listowel, Ontario, and just south of Listowel, in Elma township, there are—it was very low-lying, but I understand there are peat bogs. Within the last few years—and when I say a few years, years go past kind of quickly—they put out a fire in the peat bogs in Elma township. I understand that that fire, that smoke, had been coming out of those bogs from—I was going to say "time immemorial." Before the first white settlers came, they heard about the smoke in that area. I just wondered—tell me a little bit about peat bogs.

Mr Riley: It seems rather unlikely to me. Now, there are quite a number of instances where a fire has got into dried peat and has lasted through a winter that has had relatively low snow cover and has come up again in the next year. You can see it on the air photos of Holland Marsh; it's very clear. But to have persisted from—when was that? Time immemorial?

Mr Johnson: Yes.

Mr Riley: That's a while.

Mr Johnson: I understand that the first settlers saw it and it never stopped until—

Mr Riley: It would be hard for me to think how it would keep growing as a peat land.

Mr Johnson: So that would be unusual.

I know that it's harvested in some areas. I guess that in that area is not where they're harvesting, because I've never heard of that. But is that a big industry?

Mr Riley: It's a great industry in Europe, a very critical industry. In Quebec and New Brunswick it's an important industry. In Ontario it's not. I personally believe that's a resource that will be developed in the future, in the north, and should be. We could go into many details, but I think—

Mr Johnson: Because of the nature of the development of peat through the thousands and thousands of years that it may have developed, I assume there aren't significant peat bogs on the Niagara Escarpment.

Mr Riley: No.

Mr Johnson: OK. Those were my questions.

The Acting Chair: Thank you. That would conclude the questions for you this afternoon, Mr Riley.

Mr Riley: Could I just comment that I was acquainted with Charles Sauriol. He was the first executive director, first paid staff member, of the Nature Conservancy of Canada, and showed terrific leadership in building our organization.

The Acting Chair: Yes, very committed to the environment indeed. Thank you.

The Chair: We have now come to the part of our meeting where we deal with the intended appointees in terms of our voting, our confirming or not confirming these individuals.

The first is Mr Jim Dimovski, intended appointee as vice-chair, Workplace Safety and Insurance Appeals Tribunal.

Mr Wood: I move concurrence.

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

The second is Nicolette Novak, intended appointee as member, Niagara Escarpment Commission.

Mr Wood: I move concurrence.

The Chair: Concurrence has been moved by Mr Wood. Is there any discussion? If not, all in favour? Opposed? The motion is carried.

The next one is Stanley Sadinsky, intended appointee as member and chair, Ontario Lottery and Gaming Corp board of directors.

Mr Wood: I move concurrence.

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

The next is Margaret Julie Thomson, intended appointee as member, Northern Ontario Heritage Fund Corp.

Mr Wood: I move concurrence.

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

Mr Gravelle: I will be supporting Ms Thomson's appointment to the Northern Ontario Heritage Fund Corp. I think she is a remarkable northerner in many, many ways and will be an excellent member of the board. I do want to encourage her, if I may, to explore some of the things that I was discussing in terms of how the fund can work differently and perhaps be more accessible to a number of organizations, particularly in the private sector, some of those things as well. But I do think she will be a fine appointment.

1550

I do feel the need to say that it now does appear, though, that in order to be a member of the heritage fund corporation you need to be a card-carrying member of the Conservative Party. I'm getting very much that impression from talking to people closer to the minister, as well. As much as I have no objection to anybody joining any political party, and I certainly respect Ms Thomson's reasons for whatever she may do in that sense, it just seems to me that the political affiliation, particularly for a

corporation like this, where all northerners do work together—and we work very closely, regardless of party affiliation, in trying to improve our economic circumstance in the north under great challenges. So I would hope that would not be a criterion for having an appointment to the board. I am very supportive of Ms Thomson's appointment. I think she will be a super member.

Mr Mazzilli: I'll certainly comment on that, Mr Chair. We too will be supporting this appointment. As you know, today we've heard one of the intended appointees, or now appointee, who is a federal Liberal card-carrying member. Another member this morning was a federal Liberal card-carrying member and a provincial Progressive Conservative card-carrying member.

The Chair: That always drives the local associations mad, doesn't it?

Mr Mazzilli: So when we hear from the odd person who is a Progressive Conservative card-carrying member, we hear the end of it.

But on Mr Gravelle's first point, I think when people are appointed to these boards, they have an obligation to those boards and the criteria. Certainly Mr Gravelle has projects in his area that he wants to advance, and that's his job. But at the end of the day, the board members have a responsibility for that whole fund, to account for it and to account for it properly. Whatever fund there is out there you'll find that there are 10 times the applications than money available. So I wish the members of the board luck and I ask them to do their job in a responsible manner.

The Chair: Any further comment? If not, I'll call the vote. All in favour? Opposed? The motion is carried.

The next intended appointee is John Simperl, who is the intended appointee as member, Northern Ontario Heritage Fund Corp.

Mr Wood: I move concurrence.

The Chair: Concurrence is moved by Mr Wood. Any discussion?

Mr Gravelle: I just want to indicate that I will be supporting Mr Simperl's appointment as well. Again, I think Mr Simperl has been a very active and positive member of the community and, like Ms Thomson, understands the north very well—the northwest in particular.

I do want to use this as an opportunity, if I may, to direct this perhaps to the minister himself, who may be watching, if we're fortunate today.

The Chair: I'm certain he is.

Mr Gravelle: I'm sure he is too. I'm glad to have these appointments filled; they're important to be filled. There is a gap, may I say, in the board, which I think the minister should be looking at, which is the north shore of Lake Superior and the Highway 11-17 corridor up through Geraldton, Longlac and moving into that part of the province. We did have the former vice-chair, Mr Power, representing that as well. As much as it may seem odd for me to be potentially, even in a minor way, criticizing two appointments from the Thunder Bay area, because I represent that as well, I do think it's important that we have a member of the board either representing

the north shore of Lake Superior or that Highway 11-17 corridor going up through Beardmore, Longlac and Geraldton. So I would hope the minister would consider that. I think it's a real gap. There are many communities up there. I'm sure both our appointees today will do their very best to represent the interests of those communities, but I do think we need a position up there as well. But I will be happy to support Mr Simperl.

The Chair: If there is no other comment, I'll call the vote. All in favour? Opposed? The motion is carried.

The next intended appointee is John Riley, intended appointee as member, Niagara Escarpment Commission.

Mr Wood: I move concurrence.

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

Is there any further business for the committee, any observation anybody wishes to make?

Mr Gravelle: Is there any merit right now in discussing perhaps when our next meeting might be, Mr Chair, even in order to help you make some plans? I know that we have some outstanding appointments.

The Chair: I will ask the members of the committee if they have an opinion as to when the next meeting might be held and the clerk will take note of that. First of all, do you have any opinion on when you'd like to see the committee—

Interjection.

The Chair: Mr Wood first.

Mr Wood: Could I ask how many pending appointments we have that haven't yet been reviewed?

The Chair: There are three at this time.

Mr Wood: My inclination would be to leave it to your discretion. My personal preference would be to orient it around the 13th of August, plus or minus.

The Chair: If we're not preoccupied in another situation—

Mr Wood: Presuming you have jurisdiction to call a meeting.

The Chair: Exactly.

Mr Wood: And to hold a meeting.

Mr Gravelle: I actually know my schedule fairly well; as you say, unless we're occupied with something else. Is it possible, if we do it on the 13th, to have it as an afternoon session? Would that be difficult? I know where I have to be on the 12th, which is in a part of my riding that's difficult to get back from. I think I'd be able to make it, at least. I guess we don't have to do it on

Wednesdays. Mr Wood and I had a chance to discuss this informally and I think there's—

Interjection.

Mr Gravelle: It's not better for me. Is it better for you?

The Chair: I think in the summer particularly what happens is—I know we're trying to frame something now but the best is probably to have the clerk try to track members down to determine when we are available because it is really hard to say now until we have a reasonable number; it's very difficult to call everybody into Toronto for three people. If we had six or eight or so, it may be useful. We take note of your comment about that day and the afternoon being better than the morning. However, we will try to accommodate as many members of the committee as possible and make it as reasonable a date as possible. The clerk usually is able to consult members of the committee on that and come to some conclusion. It may not be entirely happy for everyone, but it's reasonably happy.

Mr Wood: If I could offer a further observation, I think starting at 11 would achieve wider support than starting, say, at 1 or 2. So I think if we have to accommodate somebody coming in, it might be wise to delay the start for an hour. Because we did have a good productive day today; we reviewed 10 appointments, which is quite productive and good.

Mr Gravelle: I think I could be here by 11.

Mr Johnson: I suggest we seriously consider September 24.

The Chair: That is certainly a possibility. You may have some knowledge that we don't have, Mr Johnson, as to what may or may not be happening on that date.

Mr Wood: We're scheduled to meet on the 24th, I think.

The Chair: That is true; we are. We will have the clerk consult members of the committee to see when you're available. Committee members have been very positive about this and have tried to be very helpful. I've been pleased to see the level of co-operation with extending appointments so our committee can deal with its business. We'll leave it at that, if we may.

Any other business for the committee?

Mr Wood: I move adjournment.

The Chair: Adjournment is moved by Mr Wood. All in favour? Opposed? The motion is carried.

The committee adjourned at 1558.

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