



ISSN 1180-4335

**Legislative Assembly
of Ontario**

First Session, 38th Parliament

**Assemblée législative
de l'Ontario**

Première session, 38^e législature

**Official Report
of Debates
(Hansard)**

Wednesday 24 November 2004

**Journal
des débats
(Hansard)**

Mercredi 24 novembre 2004

**Standing committee on
government agencies**

Intended appointments

**Comité permanent des
organismes gouvernementaux**

Nominations prévues

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Room 500, West Wing, Legislative Building
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Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Wednesday 24 November 2004

Mercredi 24 novembre 2004

The committee met at 1005 in room 151.

The Chair (Mr Tim Hudak): Good morning, folks. I'm going to call to order the standing committee on government agencies meeting, Wednesday, November 24.

We have no previous minutes to pass today. I think, as per our discussion last week, we'll go immediately into intended appointees. Mr Tascona has indicated that he wanted to bring a couple of items, which we hope to get to at around 11:30 or so.

INTENDED APPOINTMENTS

LILY HARMER

Review of intended appointment, selected by official opposition party: Lily Harmer, intended appointee as member, Financial Services Tribunal.

The Chair: Our first interview is with Lily Harmer. Lily is an intended appointee as a member, the Financial Services Tribunal. Welcome to the committee.

I think you probably know the process. You're welcome to make any opening remarks about your qualifications, your interest in the position, and then we will do a rotation, beginning with the official opposition, of 10-minute segments each with any questions they may have. Make yourself comfortable. The floor is yours.

Ms Lily Harmer: Thank you very much for the opportunity to speak to you today. I'm just going to provide a brief overview. I know you have my resumé. I'm going to speak about my experience, as I think it pertains to the appointment that you're considering today at the Financial Services Tribunal.

To go back almost to the start, I have, as you will note, a bachelor of commerce degree from Queen's University. I obtained that in 1981. In 1984, I qualified as a chartered accountant in both Alberta and Ontario, but I worked for the most part in Ontario. I practised with a large accounting firm, which was Clarkson Gordon at that time, until 1986. I bring that up in part because that experience and the expertise I developed as an accountant were something I have found to be quite valuable throughout my career. I then went to law school.

I graduated in 1989 from the University of Toronto. Since I began the practice of law in 1991, when I was called to the bar, I have found the business exposure and the financial training that I got as a chartered accountant to have been very helpful and useful to me in that practice. It has certainly given me greater insight into

commercial matters, financial transactions; it has assisted me in my litigation on pension matters, which I'll talk about in a few moments; and; just generally; commercial litigation has been something that I've been able to deal with and sort of jump into without a lot of bringing myself up to speed. So that's been very helpful throughout my career. I think it will be very helpful in dealing with matters that are addressed by this particular tribunal, so I highlight that for you.

The beginning of my legal career was spent at Gowlings, a large downtown Toronto firm. I practised from 1991 as an associate; I became a partner in 1998. I was always in the litigation group. I've always been a litigator and advocate. I had the great good fortune, when I was a young lawyer, to work with some very able and eminent lawyers who really mentored me quite considerably throughout my career. These are people who are excellent and very highly regarded advocates, people such as Ian Scott, with whom I worked fairly closely for a couple of years. He was the former Attorney General, as you no doubt know. I also worked with Stephen Goudge, who is now a Justice at the Court of Appeal for Ontario. I continue to work with a number of their former partners, who are now my partners. I mention them again because often the experience you gain as a young lawyer, and what informs your practice as you develop, are the people to whom you're exposed, and that in turn informs the kind of work you do, the kinds of clients you have and the kind of advocacy you do.

Much of what I do pertains to administrative tribunals, which I think is particularly relevant, considering the appointment to the Financial Services Tribunal, which is of course an administrative tribunal. There's a whole area of law, as you know, that's developed around administrative tribunals that is somewhat unique. Although I also practise in the courts, I do commercial litigation, your basic contract disputes, employment disputes; I do all those kinds of things. Much of what I've done over the years and what I continue to do is administrative in nature. So I deal with issues of fairness, natural justice—that kind of thing—evidentiary issues, all the kinds of things that come up before an adjudicator of a tribunal such as the Financial Services Tribunal. I've always dealt with them as an advocate, not as an adjudicator, so it will be from a different angle if I am appointed to this tribunal. But I think the background that I have with respect to those issues will stand me in very good stead. That's certainly my hope.

Just to go back to my career history, I left Gowlings in July 2001. I did so with a group of 17 other lawyers. We left very amicably and we set up our own firm, called Paliare Roland—it has a longer name. I was one of the founding partners, in fact all 18 of us were partners right from the start. We've been practising for over three years now. We have a thriving practice. A couple of my partners are in the paper today. We just seem to have developed a lot of very interesting, challenging work. It's been demanding and very interesting, starting from the ground up, developing our own business. It's been loads of fun and we're having a great time doing it. We're going to carry on, we hope, for a long time.

1010

Over my career, I have done a very broad range of types of law and I think that stands me in good stead in a number of respects. In one respect, it means I haven't specialized in one particular narrow area, which sometimes means I have to do a lot more work in terms of research and preparing to deal with an issue, but on the other hand, I think it means I am fairly nimble in being able to respond to new issues that arise, knowing where to go to get answers, knowing how to formulate arguments and deal with issues that may be new.

I have appeared before a wide variety of tribunals. They range from the Ontario Labour Relations Board to the Grievance Settlement Board; the consumer relations appeal tribunal, which I don't believe exists any more but did for some period of time, to the Board of Funeral Services to the Ontario Human Rights Commission, that sort of thing.

I am assistant discipline counsel at the University of Toronto, which is a very interesting position. I act under their Code of Behaviour on Academic Matters. In essence we deal with allegations of student cheating. I'm a prosecutor there, so I deal with that. That's very much its own unique administrative tribunal with its own unique rules and circumstances.

I also act as a prosecutor at the Ontario College of Pharmacists, so I will prosecute pharmacists who run into discipline issues. It has a very structured set-up, not unlike the Financial Services Tribunal in that there's a pre-hearing conference and a number of things that are similar to what I understand is the procedure at the tribunal.

I have dealt with pension issues to a large extent throughout my career. I act presently for a large multi-employer, a jointly trustee plan, the Hospitals of Ontario Pension Plan. I recognize that if they're dealing with any matters that come before the tribunal I will not be involved and I will have to recuse myself. Most of what I do with them takes me to the courts; it doesn't actually take me to the tribunal. I deal more with their disability benefits and challenges that members bring on that front.

I've also dealt with surplus issues from the side of employers—a large insurance company, liquidators, that sort of thing—and also I've acted for groups of members who have been dealing with windup issues and surplus issues in a number of cases. I've also done it from the

business side, due diligence, dealing with pension issues as companies are being bought and sold.

I've also dealt to some extent with interpreting the insurance legislation in this province and across the country on behalf of a large American insurer who was doing business here. We needed to assist them to navigate the very detailed regulatory requirements of the Insurance Act. That was dealing with licensing issues and other regulatory matters. I haven't done that in some time, but the act hasn't changed as far as I'm aware.

I've told you about the prosecutions I've done.

I also act as defence counsel for other disciplinary matters. I appear from time to time before the Institute of Chartered Accountants of Ontario when fellow members of that institute run into disciplinary troubles.

I act in addition, and somewhat outside the scope probably of this tribunal, for the Steelworkers in their ongoing dealings with various insolvency matters. We are currently acting in Stelco and I work on that quite extensively. We're acting in a couple of others—Ivaco and Slater Steel. We did Algoma. Those present very unique challenges. There's a really interesting interaction between basic labour law and insolvency law, and then the whole sort of financial milieu of bondholders and shareholders and all that kind of thing. It's a really interesting mix. The union has a very unique perspective and a very unique role in that kind of case. So the advocacy skills you're called upon to use are very—you multitask for the most part.

I act also as counsel to the city of Toronto in the Toronto computer leasing inquiry. My role is just about wound down. In two weeks, we will be submitting our written submissions. I'm very involved at the moment in writing, amassing almost two years of evidence and 20,000 documents. I mention that because in the course of my career, of course, writing has been something very central to what I do. We write opinion letters. We make submissions to court and to tribunals all the time. One of the components of the role at the Financial Services Tribunal that a member obviously has to fill is writing reasons. That's something I'm doing a little too much of at the moment, but shortly that'll be over so I'll be ready to do it again.

In any event, one other thing, and then I'll finish, is that over the course of my career I seem to have had to interpret a inordinate amount, for a variety of reasons. I have been very involved in parsing the language very carefully, depending on what position my client needs me to take. That's something else that I'm quite familiar with.

In summary, I hope I've summarized the parts of my experience and expertise that are relevant to the tribunal and that it assists you. I certainly look forward to the opportunity to be of service in this regard.

The Chair: Thank you very much for the extensive presentation. We'll go into the rotation, beginning with the official opposition.

Ms Laurie Scott (Haliburton-Victoria-Brock): Thank you very much, Ms Harmer, for appearing before

us today. You have a very busy schedule. Are you still going to be able to practise law and fill the part-time position offered today?

Ms Harmer: That's my intent, yes. I believe that the chair is retired, but that most of the members of the tribunal, or a majority of them, are part-time appointments and have busy practices as well.

Ms Scott: So they've been able to manage it. Did they say how much time it usually takes per month, roughly?

Ms Harmer: I was told it would be a day or two, but that it was somewhat uncertain because of the recent Monsanto decision from the Supreme Court. I think there's some expectation that there may be increased demands on the tribunal for a period of time. I also understand, however, that there have been a number of appointments recently to address that issue. I've been told about a day or two, plus there will be days that I will have to spend dealing with writing reasons, in my office or at the office, not exactly appearing.

Ms Scott: Have you ever appeared before the Financial Services Tribunal before?

Ms Harmer: I haven't actually appeared on anything but a pre-hearing, and that was many years ago. I have written letters to the commission from time to time and the matter has always been resolved early on in that regard. I believe the pre-hearing was on the phone. I don't recall ever actually going into a hearing room there. So it's not at all a large part of what I have done in the past.

Ms Scott: Have you ever been a member of the Liberal Party?

Ms Harmer: No, I have not.

Ms Scott: You've never made donations to the Liberal Party?

Ms Harmer: No, I have not.

Ms Scott: Who is your MPP right now?

Ms Harmer: I forget his name. I'm sorry. He's new. I apologize.

Ms Scott: OK.

Ms Harmer: I know his name; I forget it. Kathleen Flint?

Ms Scott: Kathleen Wynne?

Ms Harmer: Kathleen Wynne. That's it. I apologize.

Ms Scott: You applied October 15, and it's now November 24. How did you hear about the appointment?

Ms Harmer: I actually applied in September, I believe, and then was asked to send—I think something went missing. I was contacted, I believe, by the acting chair at the time, Colin McNairn. I think it was in late June. I went back in the file to check. He asked me to consider putting my name forward and submitting an application. He was looking at that time to fill a number of vacancies, I believe.

Ms Scott: Who is he? Sorry.

Ms Harmer: He is now the chair of the tribunal. He was the acting chair, I believe, when he called me. He was co-chair with Anne Corbett at that time. He called and we chatted for a while. It was something I had to think about. I was about to go on vacation, as was he, so I

indicated I would think about it over that period of time. Then at the end of July, Anne Corbett contacted me—she was the co-chair—to follow up on the first phone call to see whether I had come to any conclusions. At that time I indicated I would be interested and she asked me to submit an application. I believe I did that in early September. It was nicely typed and everything. Then I got a call from the tribunal when my assistant was away, saying, could I do it again, and that one is all scrawled and handwritten. I don't know why. In any event, that was October.

1020

Ms Scott: Thank you very much. I think my colleague would like to ask some questions.

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): Thanks for coming. I appreciate your background. You come from a very good firm. I know some of the members there. I can also say that I wanted you here because of your pension background. We have some issues that we want to deal with and that we have been dealing with, and I think your expertise is going to be very valuable on that tribunal.

One of the matters that has caused a great deal of concern to myself and my colleague Laurie Scott, and Ms Horwath also, is, more specifically, the Participating Co-operatives of Ontario Trusteed Pension Plan. This is a matter that has been raised in the Legislature on one occasion or more. I have been working on behalf of my own constituents, as Laurie and Ms Horwath have, on this particular issue. Are you familiar with this issue?

Ms Harmer: I'm afraid I'm not.

Mr Tascona: I'll give you a little background then. The Minister of Finance was questioned recently in the House. The Participating Co-operatives of Ontario Trusteed Pension Plan represents over 2,300 former employees of Ontario's farm and dairy co-operatives. Their pension plan has been fatally damaged by a risky investment strategy that went terribly wrong, negligence on the part of the province's pension overseer, the FSCO, and a huge hole in the mandate of the province's pension protector. Eighteen months ago, their very modest pensions of about \$700 per month were cut to \$350 per month, and their plan is soon going to be wound up. I take those facts from my colleague Ms Horwath.

The response from the Minister of Finance was, "The reality in the province is that there are two types of pension plans: those who pay into something called the pension benefits guarantee fund and, in that way, have their pensions protected in some measure, should things go wrong with the plan; and there is another group of pension plans in the province that doesn't pay into this plan and therefore does not have this insurance protection when something goes wrong with their plan."

The suggestion that was given by the Minister of Finance to the questioning was, "Some of the representatives of this pension plan have actually taken the right steps by commencing a class action against the trustees who were responsible for the plan." That's true, because there is a case, Martin versus Barrett at the Participating

Co-operatives of Ontario Trusteed Pension Plan. About 2,300 employees of the farm co-operatives in Ontario filed a class action after their pension plan sustained a shortfall of nearly 50%. They named Canada Trust, Canadian Imperial Bank of Commerce, CIBC Mellon Trust and CIBC Mellon Global Securities as defendants, as well as a full range of consultants and actuaries.

I'm going fast because we haven't got that much time. I apologize.

It's an important issue and you've got some expertise. Essentially, you'd be familiar with the class action approach now coming out in the pension field.

In your opinion, if you can offer something to us, what sort of rules or protections do you think should be put in place so that this sort of thing does not happen again? You have worked with Ian Scott and Mr Roland. During the 1980s, they did bring in changes to pension legislation—I believe it was in 1986—and by happenstance, the Liberal government at that time made the changes that put these people in the predicament they are in now. I'm just wondering if you have any comments you could offer us here today because you are a pension specialist.

Ms Harmer: It was a long and thoughtful question. I'm not sure I have a very good answer. I must say that I don't know the details of that class action lawsuit. I also think that being considered for an appointment to the tribunal and, therefore, becoming an adjudicator puts me in an awkward position with respect to trying to respond to more of a policy kind of issue. I don't think it would be appropriate for me to speak, even if I had much help, and I'm not sure that I would be of very much help to you in any event, not knowing enough about the issue. I don't think it's appropriate to speak about policy when I may be adjudicating on that very issue at some point in the future.

Mr Tascona: Do you have some familiarity with the hospital plan? Would it be covered under the pension guarantee fund, or is it outside?

Ms Harmer: I'm not even sure. That issue hasn't arisen with me. It certainly has arisen in the Stelco situation. I'm certainly aware of the existence of the fund and of the parameters, but I don't know how it pertains to the plan you are talking about. Again, I don't have anything that I think would be of assistance to you that I could offer.

Mr Tascona: Thank you.

The Chair: Third party?

Ms Andrea Horwath (Hamilton East): Just in following up on the comments by Mr Tascona, multi-employer pension plans are not covered by the pension benefit guarantee fund, so the co-operative dairy farmers were not, because they were multi-employer.

We, the NDP, are just coming off of a weekend convention where pensions were a significant issue, and they are a growing issue for people in this province. We certainly stand firmly behind our principles of having pensions protected, having them portable, having them indexed. Those are very important principles that we'd like to see as the government says they might start

looking at pension reform. I think there's a lot of opportunity for pension reform.

I don't actually have any questions, because, looking at your resumé, hearing your presentation, understanding your experience and your breadth of knowledge on the issues, particularly on pensions, I feel very comfortable that you'll make an excellent appointment to the tribunal.

I don't have any further questions, Mr Chairman.

The Chair: Mr Kormos, anything?

Mr Peter Kormos (Niagara Centre): No, I concur with Ms Horwath entirely in terms of the competence and the ability of this candidate. It's a pleasure to see somebody of her calibre here.

Ms Harmer: Thank you.

The Chair: There you go; high praise.

To the government side, the presentation did take up the whole 10 minutes.

Mr Ernie Parsons (Prince Edward-Hastings): If we had time, we would agree with the other two parties.

The Chair: Perfect. Ms Harmer, thank you very much for your presentation. As you may know, we do concurrence, the vote on our intended appointees, at the end of the session. Probably around 11:30 or so that will take place. Make yourself comfortable and enjoy.

ROLAND MONTPPELLIER

Review of intended appointment, selected by official opposition party: Roland L. Montpellier, intended appointee as member, Cancer Care Ontario.

The Chair: Our next intended appointee is Mr Rolly Montpellier, intended appointee as a member of Cancer Care Ontario. I see Mr Montpellier joins us from Chelmsford, Ontario. Did you know a Mike "Macko" Mackenzie from Chelmsford, Ontario, by any chance?

Mr Roland Montpellier: Sorry, the name?

The Chair: Mike "Macko" Mackenzie.

Mr Montpellier: No, I don't, actually.

The Chair: He worked here for a while. I just thought it was a small enough town—anyway, that's a distraction.

Mr Montpellier, welcome to the committee as an intended appointee for Cancer Care Ontario. You were kind enough to be here even before the Chair this morning, so you've seen the process in action. We'll begin any questions with the third party, and, sir, the floor is yours.

Mr Montpellier: Thank you, Mr Chairman. For those of you who don't know where Chelmsford is, it's just outside of Sudbury, which is a bigger centre.

Mr Parsons: I spent part of my honeymoon there.

Mr Montpellier: In Chelmsford? Really?

Mr Kormos: Is there a story there?

Mr Parsons: Yes, there is.

Mr Kormos: Which part, Ernie?

Mr Montpellier: I'll relinquish my statement if you want to elaborate.

Indeed, it's a privilege to appear before this standing committee. Before proceeding to question period, I would just like to provide you with a brief overview of

who I am and also why I have applied to the Public Appointments Secretariat for the opportunity to serve on the CCO, Cancer Care Ontario.

When I did submit my application to the secretariat, I kind of took a shotgun approach, because I named the various agencies that were of interest, but you will see from my comments that Cancer Care Ontario is closer to my heart.

I have been retired now for a little bit over a year, after completing a career of about 34 years as a public servant, the first 20 years or so with the public service of Ontario and the last 14 years in school board administration in Sudbury with two different school boards.

During the past six years, I was the superintendent of business of the French-language Catholic school board. Those were very challenging years in education, as you know, with the pretty massive restructuring in education, reducing the number of school boards from 132 to 72. I was directly involved with the amalgamation of six school boards into one board. Hence, I'm quite familiar with restructuring issues and consolidation issues and the major organizational change that is required in those circumstances.

In passing, I did support the Conservative government's initiative of the time to restructure education. I believe education would be best served by having fewer paid administrators such as myself, even though I was somewhat in jeopardy and insecure about what would happen down the road in terms of employment.

Of course, we've seen similar initiatives since then in the municipal field, as well as in the health field.

1030

I also had the opportunity to be a school board trustee, or an elected official like many of you in the room, albeit on a much smaller scale with a school board. Those were very challenging years as well.

More pertinently, in the health field itself, I had the good fortune of being involved as a member of the Laurentian Hospital board in Sudbury. I was chair and vice-chair during the years 1993 to 1997. I have the dubious distinction of being the last chair of the Laurentian Hospital board, because the corporation was dissolved in favour of an amalgamation of the three local hospitals, first to a transition board on which I served, and then, following that, the Sudbury Regional Hospital board.

Through the years, I've served on many boards—I believe it was six different boards—and also on several Ministry of Education work groups or study groups, provincial associations and the Fair Tax Commission. So I've acquired a lot of board experience, and I think that this would be an asset for me, of course, as a potential member of the CCO board.

During my retirement, it is my objective to continue to be productive, active and involved in my community at the local and provincial levels. I have several projects underway. One of my projects is the construction of a retirement home on a lake in Barry's Bay, so we will be moving from Chelmsford to Sudbury now, and later on to

Barry's Bay. Barry's Bay is about an hour and a half east of Huntsville.

I found out something strange lately. Apparently, west of Highway 11 is considered the Muskokas, but if you're east of Highway 11, where land values are little bit less, you're not really in the Muskokas.

Ms Monique M. Smith (Nipissing): You're Ottawa Valley.

Mr Montpellier: Ottawa Valley, there you go, a beautiful area—in passing.

I'm also in the process of becoming a certified retirement coach or adviser. Again, this is to provide prospective or existing retirees some assistance, if they require help, to reorient themselves.

I currently do some consulting work with the School Boards' Co-operative Inc, which is a co-operative that is located in Toronto but provides services to school boards and workers' compensation—attendance management and those kinds of services.

As far as community service is concerned, I have a very personal reason for accepting this board appointment, if I am successful. My wife is a cancer survivor. She was diagnosed with stage 4 lymphoma in 1982, when she was 34 years old. She was given a 15% chance of survival.

It's thanks to the support, the expertise, the caring and the compassion of all of the health workers who have been involved with her over the years, in a system which I consider to be one of the best in the world, although it is undergoing a lot of changes and challenges, that she is a survivor, and we've gone on to raise two children, who live in Ottawa. She's been able to see them graduate, get married—and hopefully, on to becoming grandparents someday.

I have an awful lot to be grateful for. This is my way, I suppose, of starting to pay back my debt, in a very small way, to Cancer Care, a debt which I will never be able to pay off.

Very quickly, I've done a lot of reading and research in preparing for this interview, but it seems that the more I scanned through, the more there was to research. I was not aware of the multi-faceted approach to cancer care in Ontario, from treatment to research to education to public education, human resource development, capital projects. It's a very huge undertaking.

As I've said before, these are challenging times, but it seems now there is the desire and certainly the political will across the nation to deal with health issues. I certainly hope I can be a part of that in Ontario. To that end, I hope you will endorse my nomination.

The Chair: Thank you, Mr Montpellier, for the presentation and the extensive background.

Beginning with the third party: Ms Horwath, do you have any questions?

Ms Horwath: Good morning and welcome. I'm going to ask a few standard questions and then a few more detailed questions.

Are you currently a member of the Liberal Party?

Mr Montpellier: I have been a card-holding member, but I think my membership has expired. It seems to

renew itself at election time. I don't think I'm currently holding a card, but I have.

Ms Horwath: Are you a donor to the Liberal Party?

Mr Montpellier: I have been.

Ms Horwath: I see by your resumé and from your discussion that you have some experience serving on the school board as well as some personal experience with the cancer issue, as well as other hospital-related issues. I'm wondering if you could speak to the issue of statistical data that are collected by Cancer Care Ontario, particularly whether you have an opinion as to whether it's appropriate to collect statistics on workplace origins of cancer—carcinogens in the workplace—and whether you think it's important to determine whether people have perhaps been exposed to carcinogens in the workplace.

Mr Montpellier: I think it's very important that any potential source of cancer be detected and that statistics be accumulated or compiled on the incidence of cancer. I was surprised in my research and reading that we've not made a whole lot of progress in cancer care. There have been some cancers where the incidence has gone down, but unfortunately there are other cancers where the incidence has gone up. There isn't a lot of information, at least that I saw, on the incidence of cancer in the workplace.

Since prevention is, in fact, key to reducing waiting times—if there are fewer people getting the disease—it will solve a lot of the issues which are very important right now with cancer treatment. The workplace is certainly one and, of course, the effects of the environment as well.

Ms Horwath: If you're appointed to the board, which you likely will be, do you think you would be able to advocate for the inclusion of that kind of data, that kind of analysis?

Mr Montpellier: I think the follow-up answer to what I just said would be, yes, I see all sources of cancer as being worthy of exploration or investigation—absolutely.

Ms Horwath: You referred a little bit in the previous answer to waiting times particularly. I think that's very astute. Do you have any recommendations, other than what we've just spoken about in regard to prevention, in terms of how we get those waiting times down?

Mr Montpellier: I'm aware of the current initiative involving Dr Hudson, who has been seconded, for lack of a better word, to study waiting times. I know the current government will be spending some of its federal funds to deal with that issue. As for specific suggestions, not really. I agree with the initiative, first of all. As I said, prevention is key. Waiting times also have to be looked at in terms of distribution of population and distances travelled.

I come from the north, so I'm aware that residents of some communities have to travel far for services. I know that's a little bit different than waiting times per se, but there are a lot of issues surrounding waiting times that have to be looked at along with the other issues.

1040

Ms Horwath: I'm glad you raised the issue of access to services. Currently, there are a number of potential cancer care regional centres that are on the books to be developed, to be built. In fact, there's one in the process of being built right now for the Peel Regional Cancer Centre. I'm wondering if you have any specific opinion on what the prioritization process should be for new cancer care facilities because, as you know, the demand is high. I'm wondering if you can speak to what you think would be the way to set priorities in the process.

Mr Montpellier: I'm not aware of the current process, but I would think it would have to deal with the incidence of cancer, the density of population, distances to the centre, the association with a host hospital and whether the host hospital can accommodate the patient care that would be generated by having a centre as well. I would think those are probably some of the criteria being used now.

I'm aware of the competition between communities too. I've heard that Sault Ste Marie is on that list, I believe, and Barrie and Newmarket. There are a lot of centres that would certainly be well served by adding more of them.

Ms Horwath: Those are my questions. I don't have any further. I think my colleague here has something to say.

Mr Kormos: I'm loath to interrupt the examination of this attendee, but I wanted the committee to know that we are being visited by Michael Adler, who is a student at the Community Hebrew Academy of Toronto and who is spending a chunk of time today here at Queen's Park to see what his elected officials really do to earn a living. Committee, say hello to Mr Adler, please.

The Chair: Good morning, Mr Adler. Do you have to spend your day with Mr Kormos, Mr Adler?

Mr Kormos: No, no. He's not being punished. This is supposed to be a learning experience.

The Chair: Any other questions? Mr Adler, unfortunately you don't have the ability to ask questions of the intended appointee.

To the government, any questions?

Mr Parsons: No, we have no questions.

The Chair: Very good. Thank you, Mr Montpellier, for your presentation and questions. Now you have to suffer Mr Tascona.

Mr Tascona: Thank you for coming here today. The Public Appointments Secretariat prepares brief biographical sketches for committee members so that they may evaluate who should be called before our committee. Your biographical information was, I think, incomplete. It did not show any evidence of experience, or even an interest, in health care issues. I just want to set the record straight that nowhere in the information we were provided—and this is biographical information; it was in your resumé—did it mention your involvement as chairman of the Laurentian Hospital board of directors or your position as a member of the restructuring task force for health care. I am, quite frankly, disappointed that they

would overlook this experience, but perhaps it was because you placed the details in the part of your resumé titled "Political activities." I raise the matter at this time because we've been trying to make sure that the information we are being provided is complete so we can make informed decisions about who should be called to appear before the committee.

I called you out of self-interest, because the Royal Victoria Hospital is in my riding of Barrie, and the Southlake Regional Health Centre is just outside my riding, but it serves my constituents in Newmarket. I'm going to ask you a question on that, because you have commented on the need for cancer care centres in both those areas, Royal Victoria Hospital and Southlake. That's the reason why I called you.

Do you also know Janice Skot? She is now the new head of RVH and I think she served at Sudbury Regional Hospital.

Mr Montpellier: Yes. As I said before, I had the dubious honour of being the last chair, and Janice Skot was the last CEO, of Laurentian Hospital. We were quite involved in the restructuring process that the Sudbury community went through during those years. In fact, that's really how I heard about Cancer Care Ontario. I was still under the impression that the regional cancer treatment centres had their own boards, because I'd been out of health care for six or seven years and, with my superintendent's job at the school board, I really did not have time to have any community involvement.

Mr Tascona: We're excited as a community to have her. She seems very capable.

Mr Montpellier: She is, absolutely.

Mr Tascona: She has a very strong interest. The Royal Victoria Hospital is being considered for a new cancer care centre. I think you're aware of that.

Mr Montpellier: Yes, I am.

Mr Tascona: So is Southlake Regional Health Centre in Newmarket. Are you aware of that?

Mr Montpellier: I'm aware of both, yes. I don't know the issues. I understand they're fairly close to one another.

Mr Tascona: They're both preparing plans. They've been given money by the government in terms of that. That process was approved when we were in government back in August 2003. Since then, things haven't moved very quickly under the current government. In your opinion, and from what you know of this, would you agree that cancer care centres would serve the area well in RVH and Southlake Regional Health Centre?

Mr Montpellier: You know, it's very difficult. If you're asking me whether one centre or the other—

Mr Tascona: No, I mean both.

Mr Montpellier: Oh, both.

Mr Tascona: I'm not categorizing any of them.

Mr Montpellier: Intuitively, I would have to say yes, because I know there's such a huge need for cancer treatment. But I suppose when I get all the facts, if I'm appointed to the board, I'll be in a better position to advocate or to support both.

Mr Tascona: There are people from Barrie and other areas who go to Sudbury. You have a cancer care centre.

Mr Montpellier: Yes, we do.

Mr Tascona: Most of the people from my area go to Princess Margaret in Toronto to get service. When you're unwell and facing such a threatening type of disability and you need life-saving treatment, it's nicer to have it closer to home and family. You'd agree with that?

Mr Montpellier: I would agree with that 100%, because when my wife had cancer in the early 1980s, we were travelling to Toronto. We did not have any regional cancer treatment centre in Sudbury. As good as the care was at Princess Margaret, it was not close to home, obviously.

Barrie is a booming community. It's very well located in terms of access to the hospital. It's right on the 400. It seems to have a large chunk of land to accommodate development. I see all of those as strong assets for that particular site.

Mr Tascona: I know my colleague wants to ask a question on that, so I'll be brief in finishing. I noticed on your resumé that you were the area coordinator for a candidate in the last provincial election. Who was that?

Mr Montpellier: It was Chief McCauley, a former police officer, who ran—

Mr Tascona: He was the Liberal candidate.

Mr Montpellier: He was the Liberal candidate, that's correct.

Mr Tascona: You also mention in your resumé you were CFO for the riding candidate in the 1993 and 1997 federal elections. Who was the candidate?

Mr Montpellier: That would have been Ray Bonin.

Mr Tascona: What party was he?

Mr Montpellier: Liberal.

Mr Tascona: OK, I'll pass it on to my colleague.

Ms Scott: Thank you for coming down and appearing before us today. I will tell our colleague John Yakabuski that you're moving to Barry's Bay in his riding and to look for you when you move there.

Mr Montpellier: What is his name? I'm sorry.

Ms Scott: John Yakabuski.

Mr Montpellier: I'll need the spelling of that.

Ms Scott: Apparently, it's on the hardware store in town. I'm sure you won't miss it.

Mr Montpellier: OK, I'll look for it.

Ms Scott: I do appreciate your volunteering on the boards of directors of the hospitals before, and your research in cancer care even just prior to coming here. You mentioned that a lot has been discussed about access. I have a rural riding in Haliburton-Victoria-Brock. Our access to cancer care is going to be in Lake-ridge, which was mentioned previously. Other than accessibility, what other things would you like to see cancer care evolving into? You've done some research—and I'm not overly familiar with the board.

Mr Montpellier: There are some issues around developing more and better screening programs. I know there's an excellent screening program for breast cancer, and there is some discussion about whether there should

be one for prostate cancer for men and also all of the colorectal cancers. I think that ought to be a priority, because early detection, along with prevention, would go a long way toward reducing the mortality rate associated with cancer.

1050

Ms Scott: My background is nursing, and there certainly is preventive medicine that needs to be more developed. Peterborough has an excellent breast screening clinic and works in association, I believe, with Lake-ridge. Would you like to see more screening—I have a smaller hospital in Lindsay, in Haliburton, for example—done at the local hospital sites?

Mr Montpellier: It's hard for me to answer. I was under the impression that there was a lot of screening going on at different sites. I'm not sure if people have to travel a long way for screening. They have to?

Ms Scott: It varies, I'm sure.

Mr Montpellier: It varies? I know we have a screening program for breast cancer in Sudbury. I assumed most of the communities had that, but I'm not aware of that. I'm not sure when I say that.

Ms Scott: It will be interesting when you sit on the board to see what the different areas offer and to maybe collaborate further.

Mr Montpellier: The level of care?

Ms Scott: Yes, the level of care.

Those are all the questions I have for today. Thank you very much for appearing.

The Chair: Thank you, Monsieur Montpellier, for the presentation. As you know, we'll move to concurrence after the next presentation, so you're welcome to stay, make yourself at home, have a nice, warm coffee; whatever you like.

Mr Montpellier: Am I asked to stay?

The Chair: You're free to do what you choose. It is getting very exciting though.

Mr Montpellier: It is.

The Chair: We will have the vote probably in about a half hour's time.

Mr Montpellier: OK. Because I want to beat the snowstorm out of here.

The Chair: I understand. Your call.

Mr Montpellier: OK. Fine. Thank you very much.

The Chair: It will be on the news tonight, of course, so you might catch it on MCTV.

Mr Montpellier: Sure.

EMANUELA HEYNINCK

Review of intended appointment, selection of official opposition party: Emanuela Heyninck, intended appointee as head of the office, Pay Equity Office.

The Chair: Our next intended appointee is E.P. Emanuela Mandy Heyninck.

Mrs Emanuela Heyninck: It's quite the mouthful.

The Chair: Exactly. E.P. Emanuela Heyninck. Ms Heyninck, welcome to the standing committee on government agencies. Ms Heyninck is an intended appointee

as head of office at the Pay Equity Office. This is a rather unique title: head of office.

Mrs Heyninck: Certainly. First of all, to clarify my name, it's either Emanuela Heyninck or E.P. Mandy Heyninck. It's very confusing, but most people have difficulty—

The Chair: What would you like me to call you for the record?

Mrs Heyninck: Mrs Heyninck would be fine.

The Chair: Mrs Heyninck, welcome. For members of our committee, we'll begin the rotation this time with the government members. You're welcome to make a presentation about your qualifications and your interest in the position. I think you've been in the audience for the last presentation. The floor, Mrs Heyninck, is yours.

Mrs Heyninck: Thank you, Mr Chair and ladies and gentlemen, for allowing me the opportunity to speak to you this morning. I sincerely hope that at the conclusion of this interview you will be able to concur with my appointment to the Pay Equity Commission.

I have for many years been following the evolution of pay equity with a great deal of interest because of my knowledge of the day-to-day and significant impact the wage disparities between men and women have on women, children, and society in general.

As a family lawyer, I'm all too aware that women continue to bear the primary burden of care-giving and child-rearing responsibilities while becoming, in all too many cases, the sole financial head of the household.

Because women continue to earn less than men, they are disadvantaged in very real ways from the day they enter the labour force until the day they leave. Apart from the psychological impact of having work undervalued, women pay less taxes, they contribute less to EI and are therefore less equipped financially to put up with the vagaries of the changing work environment through downsizing and restructuring. They also contribute less to company pension plans and CPP payments, again making women economically vulnerable in retirement years and old age, all at a time when women's life expectancies are lengthening.

In my volunteer work, which I see as an alternative career, really, I've always committed my time to organizations that have had a very strong advocacy component to them.

I think you have a copy of my resumé with you and, as you can see, I'm currently the chair of the Middlesex Family Lawyers Association. I'm also the chair of the collaborative law group in London, and I sit on the executive of the Ontario Collaborative Law Federation. I'm also a co-chair of a charitable organization called Investing in Children, which in the last few years, along with its many other ventures, has been a participant in the Early Years projects. I also was appointed last year to sit on the Family Court resources committee.

I have been fortunate to sit as the policy vice-president as well for the London Chamber of Commerce. I sat on that board for about three years.

I am also currently the policy adviser for the London Business and Professional Women's Club. I've held that position for about six or seven years. This latter organization has always had a fairly significant role in advancing pay equity issues. Actually, it was in that capacity that I discovered the vacancy that I applied for through the Public Appointments Secretariat.

My work with both the chamber and the business-women's club especially has given me a good sense of balance, which I think is essential in effectively promoting the objectives of the Pay Equity Commission. I think the need for pay equity continues. It's an essential requirement if Ontario wants to promote a strong and vibrant labour force. As well, however, there has to be a recognition that implementation of pay equity comes at a significant cost. If businesses and organizations are to buy into the cultural change that's required to address a systemic problem like pay equity, attention has to be paid to their concerns as well.

Having had experience as chair on a number of boards and with my legal career as well, I've achieved the skills necessary to have that balance in making any kind of decisions as chair of pay equity.

At the outset, and because this has been a question you have posed to other candidates, I am a member of the Ontario Liberal Party. I'm also a member of the federal Liberal Party of Canada. Until recently, I was the Ontario policy chair for the Liberal Party of Canada. I resigned that position earlier this summer.

I welcome any questions that you might have for me.

The Chair: Thank you, Mrs Heyninck, for the presentation. As I mentioned, we'll begin any questions or comments from the government members.

Mr Parsons: No questions.

The Chair: Seeing none, we'll move to the official opposition. Mr Tascona?

Mr Tascona: You're thorough today.

Mr Parsons: We've done our homework.

Mr Tascona: I want to thank you for coming. I appreciate it because I consider the Pay Equity Commission to be very important in the labour field. But I want to ask you off the top: Who's your MPP?

Mrs Heyninck: My MPP is Deb Matthews.

Mr Tascona: Did you have any discussions with her about the position before you applied, or after?

Mrs Heyninck: No, I did not.

Mr Tascona: OK. From what I understand, the Pay Equity Office has the responsibility of implementing and enforcing the Pay Equity Act. Part of the responsibility includes providing information to the public about the act, but part of the responsibility also includes investigating, mediating and resolving complaints under the act. You have a very strong background in the family law field. I just want to ask you about your background, what you think prepares you to administer this type of an operation.

Mrs Heyninck: I think the experience comes from all of the volunteer work I've done in the various boards and committees I've sat on and chaired. Having done that, I

think I have acquired the skill that's necessary to look at the importance of building relationships with the various stakeholders.

Certainly, there are also always competing interests in any policy project or field, and I think it's essential that there be a person who's able to look at all of the multifacets of any situation and be able to balance what the needs are of all the stakeholders. I think I've done that in all the boards and organizations that I've belonged to.

Mr Tascona: You're with a law firm. Do you envision your law firm appearing in front of the Pay Equity Commission?

Mrs Heyninck: No, not at all.

Mr Tascona: I was wondering what was involved in obtaining a full-time appointment such as this. Could you let us know how you heard about the position? Did you talk to anybody in the government about your application?

Mrs Heyninck: Yes. As I said in my opening, I was doing research for the Business and Professional Women's Club locally, actually. I monitor policy issues for them on an ongoing basis, and they had asked me to look into pay equity issues for them. So I was doing a fair bit of research on the Ontario Pay Equity Commission and discovered that this appointment was available.

1100

I would tell you as well that for the last few months I have been looking to move out of private practice and engage in something that's a bit more broad-based and in the policy field. When I saw this vacancy was here, I was quite interested in the appointment and I submitted my application to the Public Appointments Secretariat. I've had a couple of conversations with them in terms of how to put the application forward.

Mr Tascona: Some of the responsibilities at the Pay Equity Commission include conducting research and producing papers and, most importantly, making recommendations to the minister, who is currently Mr Bentley. Do you know him?

Mrs Heyninck: Yes, I know Mr Bentley.

Mr Tascona: OK—or conducting studies that have been requested by the minister. Have you had any conversations with anybody regarding the types of studies or research you will be asked to conduct as the head of the Pay Equity Office?

Mrs Heyninck: No.

Mr Tascona: What would you like to accomplish as head of the Pay Equity Office? I think, as I said, it's a very important role in labour relations and fairness in this province.

Mrs Heyninck: I think, from my observations of the pay equity issue, that it is of very vital importance to women in the labour force. I think a lot of public education is still necessary. I would like to see more linkages with the business community in terms of getting their buy-in to the pay equity issues. That would probably be something I would like to accomplish.

Mr Tascona: Yes. I'd have to comment that I think pay equity, in terms of public awareness, has been below

the radar screen. That probably would be a good thing to do, in terms of bringing it and its importance to the public's awareness. Any other thoughts you'd like to add?

Mrs Heyninck: I don't think so. Thank you.

Mr Tascona: Thanks very much.

The Chair: To the third party. M. Bisson, any questions for the intended appointee?

M. Gilles Bisson (Timmins-Baie James): Bonjour, madame. Comment ça va aujourd'hui?

M^{me} Heyninck: Bonjour. Ça va bien.

M. Bisson: Vous parlez français, je vois.

M^{me} Heyninck: Un petit peu. J'ai un diplôme en français.

M. Bisson: À Strasbourg. C'est joli. How long were you there?

Mrs Heyninck: I was there for five months. I must say my pronunciation, unfortunately, is a bit rusty.

Mr Bisson: Was that part of trying to strengthen language skills or more—

Mrs Heyninck: I actually graduated with a French and Italian degree a long time ago.

Mr Bisson: Ah, Firenze. A Florentine steak is so good.

Mrs Heyninck: Absolutely.

Mr Bisson: A nice bottle of wine. How we digress. That's interesting. I always find that, unfortunately, not a lot of people do international studies. I think it really broadens somebody's perspective on what they've got to do.

I noticed you certainly have all the qualifications from the technical side as far as where you're going. I'm just wondering, from your volunteer side, have you ever in any way acted within any group within the women's movement? Do you consider yourself a feminist? Are you active in that area?

Mrs Heyninck: That's a tough question. I'm a female and I'm very interested in women's issues, certainly children's issues and women's issues. But I think my experience has been pretty broad-based. So, have I participated in specific women's groups? The business and professional women's club probably is about the only club that would be geared only to women.

Mr Bisson: You know that within the women's movement the pay equity issue has been probably one of the big issues that women have had to deal with and continue to have to deal with. That's why I'm trying to get a bit of a sense of where your background is. Are you sympathetic to the cause? I guess that would be the first question.

Mrs Heyninck: I wouldn't be applying for this position if I weren't sympathetic to the pay equity issue.

Mr Bisson: I've got to ask you the question, right?

Mrs Heyninck: As I said in my opening, as a family lawyer I've become very knowledgeable about people's budgets and the comparisons between husbands' wages and wives' wages.

Mr Bisson: Have you ever acted on behalf of any organization, a union or whatever, that has been trying to move forward on the pay equity issues?

Mrs Heyninck: No, I have not.

Mr Bisson: Have you ever acted in that capacity?

Mrs Heyninck: No. I don't have that experience.

Mr Bisson: And you're not active with any particular group out there that may be associated with pay equity in any way, shape or form?

Mrs Heyninck: No. Again, other than the Business and Professional Women's Club that has made submissions on pay equity over the years—

Mr Bisson: Just a bit of a sidebar: I'm a strong believer that on these boards you need to have a broad representation. You have to have the strong technical side, but you also have to have people who, quite frankly, have the issue at heart. I'm not saying you don't, but there's a difference between a person who's been an activist and a person who comes at it from more of a technical point of view. That's why I was trying to seek—

Mrs Heyninck: I'm actually coming at it as an advocate more than from the technical side. I think, though, it's important to recognize that there are a lot of stakeholders here who have to implement this and, in order to get that kind of systemic change—

Mr Bisson: So why this commission, then? Obviously, this was your pick. What brings you to this particular commission? Why this and not something else?

Mrs Heyninck: I found this position to be vacant. I have always followed pay equity issues. Even though I haven't been actively involved in advocating for pay equity per se, I think it's vital for women and I think it's vital for the Ontario labour market to recognize that pay equity needs to be accomplished. I found that the position would offer the challenges I was looking for.

Mr Bisson: How long ago did you apply for this?

Mrs Heyninck: I believe I submitted my application in September.

Mr Bisson: This September?

Mrs Heyninck: Yes, early September.

Mr Bisson: That's pretty quick. That's not bad at all, actually. Did you get any support from anybody in that application?

Mrs Heyninck: Not that I'm aware of.

Mr Bisson: You're self-applied? You're not a political appointee at this point?

Mrs Heyninck: Not that I'm aware of.

Mr Bisson: Very good. That's all I needed to know.

The Chair: Great. Thank you very much.

Mr Bisson: Hello, Chair.

Mrs Heyninck, thank you very much for your presentation. You're welcome to stay for a few moments. We are now proceeding to the concurrence stage of our discussion.

So much paper here. Let's see what I can do. We will proceed to our concurrence section. We will now consider the intended appointment of Lily Harmer, the intended appointee as member, Financial Services Tribunal.

Mr Parsons: I would move concurrence.

The Chair: Mr Parsons moves concurrence. Any discussion?

Mr Tascona: I'll second that.

The Chair: Thank you, Mr Tascona. We're setting a new tradition. Any further discussion of Ms Harmer's appointment? Seeing none, all those in favour of the intended appointment? All those opposed? The motion is carried. Congratulations to Ms Harmer.

We will now consider the intended appointment of Roland L. Montpellier, intended appointee as member, Cancer Care Ontario.

Mr Parsons: I move concurrence.

The Chair: Mr Parsons moves concurrence.

Mr Tascona: I'll second that.

The Chair: Any discussion about M. Montpellier and Cancer Care Ontario? Seeing no discussion, all those in favour of the intended appointee, please raise your hands. Any opposed? The motion is carried.

We'll now consider the intended appointment of E.P. Emanuela (Mandy) Heyninck, intended appointee as head of the office, Pay Equity Office.

Mr Parsons: I move concurrence.

The Chair: Mr Parsons moves concurrence. Any discussion?

Mr Tascona: I second that.

The Chair: Any further discussion? Seeing none, all those in favour of the motion? Any opposed? The motion is carried. Mrs Heyninck, congratulations.

Very good, folks. We have concluded that aspect of our committee. We'll now move on to other business.

1110

COMMITTEE BUSINESS

The Chair: Members who have other business?

Mr Tascona: The committee has been distributed a memorandum from our clerk of the committee, Susan Sourial, dated November 22, 2004. There are two motions before the committee. I just want to make sure everybody has a copy of those.

The Chair: Does everybody have a copy of Mr Tascona's intended motions? Anybody in need? Thank you.

Mr Tascona: Our committee's mandate is set out under standing order 106(e). I would just briefly read it.

Part of the mandate of the standing committee on government agencies is "to review the intended appointments of persons to agencies, boards and commissions and of directors to corporations in which the crown in right of Ontario is a majority shareholder (excluding reappointments and appointments for a term of one year or less)..." and the procedures are set out. That's our mandate with respect to reviewing appointees.

Interestingly enough, those are generally the appointments of the Premier that we are reviewing, new appointments, not interim appointments, of less than a year or reappointments made by the Premier through order in council. Thanks to the clerk who provided a memo about all the other agencies.

There are over 500 agencies, boards and commissions, and approximately 33% of those appointments are through ministerial letters. So it seems very peculiar that we are here reviewing the Premier's appointments through orders in council but we don't review ministerial appointments, which take up 33% of the agencies, boards and commissions. I think that's something that needs to be addressed.

I'd also want to point out that during the provincial election, Premier McGuinty made a promise—I think this was promise number 163—where he states, "We will lift the veil of secrecy on government agencies and appointments." Certainly, I'm in favour of doing that. I'm also in favour, as is our leader, John Tory, of giving more independence and power to legislative committees. On that basis, I have two motions I want the committee to consider. The first motion, and I would move it on the floor, reads as follows:

That the committee write a letter to the House leaders making the following recommendations:

That the committee be given an order of reference authorizing it to review its mandate, as set out in standing order 106(e), to ensure transparency in the government appointment process and qualified appointees, as the review process is currently limited to order-in-council appointments for more than a year as approved by cabinet;

And that the review should have the objective of amending the standing orders to permit the review of order-in-council (OIC) reappointments and appointments for less than a year and non-OIC appointments, namely those made by ministerial letters which in terms of agencies constitute 33% of all government agencies and are currently not reviewed by the standing committee on government agencies.

I would just request from the Chair whether he wants me to deal with both motions.

The Chair: For the sake of clear debate, Mr Tascona, why don't we stick with one motion at a time?

Mr Tascona: OK. I just want to indicate I had the assistance of our clerk in putting this forth. I think it's proper and in order.

I just want to put to the members before we get into debate, if there is any, that I think it's very important that we lift the veil of secrecy on government agencies and appointments, that this committee have more independence and power with respect to its mandate. I think that's very important. As we have been proceeding here for over a year, it's come to my attention that some reform is necessary.

I would just put those as my comments at this point in the debate. I've moved the motion.

The Chair: Very good. The motion from Mr Tascona is now on the floor. I don't think I need to repeat the motion. He read it and everybody has a copy of that motion. Is there any further debate on Mr Tascona's motion?

Mr Parsons: If I can make a couple brief comments. This issue has been raised before and I just wonder

whether we would be dealing with it if it were not for the fact that this committee is televised. I'm rather surprised, so I'd like to give a bit of a historical lesson.

Mr Bisson: Oh, come on, Ernie, for God's sake.

The Chair: Mr Parsons has the floor.

Mr Parsons: I'd like to give a bit of a review and a history lesson on this. The NDP established the standing orders governing this committee, I believe, in 1990, and on September 10, 1997, they were revised. They were revised, as Mr Tascona has said, to include the statement, "excluding reappointments and appointments for a term of one year or less." So it was Mr Tascona's government that clearly supported this at the time it went forward to the House. I find that date significant because I believe Mr Tascona was a permanent member of the committee at that time. I am unable to locate any indication that there was a concern raised, either at committee or in the House, of dissatisfaction regarding that process that was put forward with his House leader's approval—not just approval but probably leadership on it.

There is concern that this government may have used this process to bring forward appointments that are less than a year, intentionally to avoid it. I'm intrigued that in February 2002 his government made 267 appointments in one day that were less than one year and not subject to committee review. I'd be pleased to read them into the record if there is any question about it, but clearly the previous government utilized it a great deal.

I contrast that with the number of appointments our government has made in slightly over the year we've been here. Again, we've got community and social services and municipal affairs—13-month appointments. Our government has chosen to make 13-month appointments rather than 12, which has made the individuals being considered for appointment subject to review by this committee. I'm very pleased that that route has been to make it more open and transparent.

There has been concern—I'm wondering if perhaps I should deal with that in the second motion, about announcing in advance. I know the honourable member has indicated concern in the past that our government made an announcement that someone was appointed when in fact they were not appointed at that stage and could not be appointed. I looked back and reviewed—there was a news release. By the way, we did that once and we acknowledged that. I have apologized more than once. We very much regret the slip.

Mr Tascona: We're not dealing with that right now, Ernie.

Mr Parsons: We'll deal with that at that time, then.

Mr Lorenzo Berardinetti (Scarborough Southwest): He's just apologizing again, that's all.

Mr Parsons: Yes. I want another apology on record because it seems we can't do that enough.

I'm going to rest my case at this point, before we move on to the second motion. But it is certainly not my sense that this process has been abused.

Interjection.

Mr Parsons: There's only one light on, I think, at the moment.

I don't believe our government has abused it, but I would strongly maintain that it is not the right of this committee to review its mandate. That is the role of the House leaders. It was the House leaders who devised it originally. I cannot emphasize enough that the process we're following was put in place by the previous government, with Mr Tascona, who was a member at that time, making no objection. That does cause me to wonder why the sudden change of mind. I'm sure there's a reason with the honourable member. But the process very clearly worked over the last years and we are quite comfortable with it.

Mr Bisson: First of all, to Mr Parsons' point, he's wondering why there has been a sudden change of mind on the part of the Conservatives. Liberals should not throw stones from that direction, because you certainly have changed your mind a number of times, from opposition to government. Anyway, that's for another debate.

I find interesting the proposal by Mr Tascona. I understand where he's coming from. I just want to put the following on the record from our caucus.

One, we recognize that every government is going to appoint people of its own political stripe. I haven't got a problem with that. I understand that if Liberals are government, or New Democrats or Tories, we are certainly going to appoint some of our own to particular boards and commissions, because boards and commissions, by and large, are where much of the government's work is then carried out as far as policies made by the government. The government needs to know that at the end of the day it has competent people who have the same ideological bent as they, to be able to move forward on decisions that are made by the policymakers, who are the politicians.

1120

So I don't think that's an issue. I don't argue, and I don't think anybody here argues, that we should never, if you're a Liberal government, appoint Liberals or, if you're a New Democrat government, appoint NDPers. The issue is that we need to make sure we appoint competent people to those particular commissions.

What Mr Tascona raises is an important issue. We have the right in this committee, if we so choose, to review not so much our mandate, but how we do things. Certainly, if there is a better way that can be found for this committee to be able to review current appointments and have a more meaningful role for this committee about which appointments go forward and which don't and making sure that the best possible people move forward, I can't see why anybody would be opposed to that.

I would suggest that somebody may want to make an amendment to this particular motion. At this point, I don't have a vote on the committee; I'm only subbing in and I can't move a motion. But I would suggest that one of the things that could be done is that the motion could be amended slightly by deleting everything in the second paragraph after the words "government appointment process." Just delete everything after that, because then

the motion would call for the committee to be given an order of reference authorizing it to review its mandate as set out in standing order 106(e). In other words, you can look at everything that's contained within 106(e) as a committee and say, "Is there a better way of doing things; how we notify members, for example, of an intended appointee? Do the timelines work for people?"

For example, one of the issues we had—and the clerk will know this—at the beginning of this government's mandate, as I came back to this committee after being off it for a fairly long period of time—and thank God I'm the whip; I got somebody else appointed. But one of the issues was that notification could only be given by fax. Remember? We had this discussion way back last fall, that notification of all of the people who are to be on committee—originally we didn't have the technology for some reason to send who was being put forward for appointment so that we, as caucuses, could look and decide. It wasn't in e-mail format at the time, and it was very problematic for those of us who operate on BlackBerries and are basically everywhere except our offices at every moment.

So certainly, we'd have an opportunity to take a look at some of the mechanisms of how this committee works. I think that would not be unreasonable, and I would suggest that Mr Tascona may want to amend his motion to deal with that so we can actually look at how to make this committee work better.

Ms Scott: I can't speak to the history of how these appointments have gone on before, but I think the important point that my colleague is trying to make is that when the Liberals were campaigning, they made a promise. As he said, number 163 was, "We will lift the veil of secrecy on government agencies and appointments." We're just saying it's time to live up to the promises, and maybe the House leaders can look at doing something different.

I do want to bring to your attention that there have been six interim board chair appointees that we know of—just the six. That's a problem. When they're interim, we just find out about these appointments by chance, a lot of times in the press, so nobody is obligated to inform us. There's no opportunity to review the appointees, so we don't know what vacancies are being filled or who's filling them.

That's just one of the loopholes we need to close, because that allows the government to avoid review of the appointees by appointing them for short terms, and then later they can reappoint them for the longer term and they still don't have a chance to be reviewed by the committee. I just wanted to put that on the record and make that point.

Mr Parsons: Do I get to speak a second time, now that I'm over my shyness?

The Chair: Mr Parsons.

Mr Parsons: Unfortunately, Mr Bisson has gone but, yes, there was concern from all parties over the fact that the names were available only by fax. It made it very difficult to distribute. My understanding is that they are

now available in electronic form, which, I certainly concur with Mr Bisson, makes it a much more visible and open process to be distributed to all of the members. Yes, I'm pleased that we fulfilled that promise to make it more open.

There was concern expressed about individuals being appointed as interim chairs. Yes, indeed, this government did it. I would note that the ones I'm looking at were public servants, which, by agreement of all the parties, were never called before this committee.

But if I go back into history again and look at the previous government, I see Mr Doucet was appointed for one year to a significant position and was not available to this committee at that time to interview, and Mr Tilson—and I find that particularly interesting because a statement was made, as I recall, in the Legislature that Mr Tilson would certainly not be leaving his seat to be appointed to a committee or commission of any sort, and then we see the appointment taking place for one year as a full-time member and vice chair of the Ontario Municipal Board. So there was a very high-profile individual, and the previous government chose not to give this committee an opportunity.

Very clearly, the government felt there were certain decisions—I guess if we are talking about openness on the part of our government, it is not very difficult to be more open than the previous government was, and I believe we have been considerably more open. I would suggest the process was abused at that time, when that particular position was filled on a one-year basis without an open, public review of it.

Mr Tascona: Just to deal with those interim board chair appointees and to get the facts straight here, they weren't civil servants. We have Lincoln Alexander, who was appointed interim board chair of the Ontario Heritage Foundation; Jake Epp, interim board chair of Ontario Power Generation Inc board of directors; Jill Hutcheon, Workplace Safety and Insurance Board interim board chair; Tim Reid, interim board chair of the Ontario Lottery and Gaming Corp; Marie Hubbard, interim board chair of the Ontario Municipal Board Assessment Review Board; and David Hope, interim board chair appointee of the Ontario Farm Products Marketing Commission.

I would also add here, if you read the motion, Mr Parsons—and I'll read it for you again. You made the point that it's not the right of the committee but of the House leaders to decide. The motion says that, and I carefully did this with our clerk in terms of our mandate. It is totally in order. It says, "That the committee write a letter to the House leaders making the following recommendations." We are making a recommendation to the House leaders.

Your promise that was given during the campaign was, "We will lift the veil of secrecy on government agencies and appointments." This is a way to do it. In fact, it's the only way to do it because of the standing orders that stand there right now, that all we can review are Premier's appointments for greater than one year.

Any appointments made by the Premier of less than a year or a reappointment are not subject to our review under the standing orders. That means that ministerial letter appointments, which make up 33% of government agencies, for some strange quirk are not reviewed, and you can make whatever statements you wish with respect to that. You made a promise. This committee, if they vote down this motion today, is basically breaking a promise out of your Liberal campaign platform that you would “lift the veil of secrecy on government agencies and appointments.” You’re breaking another promise if you vote down this motion, because it’s in order, it’s appropriate and it’s about time something should be done.

The Chair: Any further debate? Seeing no further debate, there is a motion on the floor. Do you need to me to reread the motion? No? Then we’ll see if the motion shall pass.

Mr Tascona: Recorded vote.

Ayes

Scott, Tascona.

Nays

Berardinetti, Dhillon, Fonseca, Parsons, Smith.

The Chair: The motion does not pass.
Any further business?

Mr Tascona: I have another motion.

The Chair: Put the motion.

Mr Tascona: This is dealing again with the promise of lifting the veil of secrecy on government agencies and appointments, but it also deals much more fundamentally with independence and power to the legislative committees.

If you have the Premier making public announcements about appointees who haven’t been put forth before the committee and haven’t even been reviewed by the committee, how can the Liberal majority, which is a Liberal majority here on this committee, make an independent decision? They can’t. Mr Parsons over there is their lead person and he’s basically telling everybody how to vote. He’s been told how to vote by the whip and probably up through the House leader. That’s the way the system works. It’s not right.

The bottom line is, we need some independence here, especially when we’re dealing with appointments that are very critical. We want to have an independent process. We don’t need the government members to be whipped by public announcements before we even get in here. We also have a right to review these people. We don’t need the Premier to be making announcements with respect to appointments.

It’s happened on more than one occasion. I know Ms Scott is very aware of this and we’ve worked on this. We’re just shocked by the number of appointments that have been made, and we find out about them—I can

recall the Ontario Securities Commission as one example of the people who were coming down when we first started the mandate of this committee, and we didn’t even know about that. That was before we even got our review papers.

1130

I’ve been making comments about this from day one, that this practice has got to stop. I know Mr Parsons said that he’s had some lip service, and that’s great, but the bottom line is, we want some action on this. It’s not right for the independence of the operation of this committee to be told before, “Well, we’re going to be appointing this person,” and when you have the majority on the committee, basically we know what the end result is before we even get in here.

You did make the promise about lifting the veil of secrecy on government agencies and appointments, and it’s also important about independence. That’s one of the platforms of our leader, John Tory: giving more independence to the committees and a way to operate.

My motion is this, and I’m going to put it on the floor:

That the committee write a letter to the Premier making the following recommendation:

That government communication policies be revised to ensure that henceforth no intended appointments will be announced in advance of the review of such appointments by the standing committee on government agencies.”

I went over the language of this with the clerk to make sure that it was in order, and I’ll just repeat it:

That the committee write a letter to the Premier making the following recommendation:

That government communication policies be revised to ensure that henceforth no intended appointments will be announced in advance of the review of such appointments by the standing committee on government agencies.”

Thank you, Mr Chair.

The Chair: Mr Tascona has put a motion on the floor. Is there any debate on Mr Tascona’s motion?

Mr Parsons: Sure. I would first of all like to go on record apologizing on behalf of our government for accidentally at one time making the inference that an individual had been appointed when in fact they had not. I believe that’s the only apology that’s on record anywhere of a government having done that.

I look back to July 3, 1996, where I read a news release from the Ontario government at that time which said, “Minister of Labour Elizabeth Witmer announced today that cabinet has approved the appointment of Glen Wright, chairman and chief executive officer of insurance consulting firm....” I would suggest that was wrong. It is followed by, “Cabinet approved the appointment of the following new board members:...” Patrick Dillon, Eileen Mercier and Jim Stewart. I am not aware of an apology for that.

I read a news release of November 18, 1999: “Dianne Cunningham, Minister of Training, Colleges and Universities, today announced that Isabel Bassett has been

appointed chair of the Ontario Educational Communications Authority.” I believe that would be incorrect, that the committee should have reviewed it. They cannot make the appointment.

I look again to February 10, 2000: “Board of Super-Build Corp Announced...”

“Finance Minister Ernie Eves today announced the provisional appointment of a 12-member board of directors,” and, in fact, all of these names were made public at that time.

If the concern is the names going public before, I would even proceed to a day back on August 24, 2004, when this committee was reviewing the appointment of René Fontaine and a news release went out over the name of Mr Tascona and Ms Scott, which refers to Mr Fontaine’s appointment. That states that it was released to the media and distributed. There had not been a vote, so in fact Mr Fontaine had not been appointed at that time. We have—

Mr Tascona: It was right after.

Mr Parsons: It was distributed prior to the concurrence vote.

I want to make it quite clear that neither the House leader nor the party whip has at any time spoken to me—not at any time—as to how I vote. When we are presented with individuals who are well-qualified, it is our responsibility to support them.

I balance the concern about not making them public with the comments in the previous motion about making names available. I would suggest that not all wisdom resides within any of the three government caucuses, and that making public the names under consideration provides an opportunity for members of the public, for citizens of all of this province, to meet with their individual member or to phone or e-mail or whatever to give advice. I strongly support, on behalf of our party, making the names available because it does indeed lift the veil of secrecy that has taken place. There was certainly no lifting of the veil when the 267 people were simply appointed to the boards, and so I would strongly suggest—not suggest; I will state that we have made the names much more public and in fact fulfilled the promise of our Premier that we would do that.

I would also note that the fact that we moved to 13-month appointments rather than 12-month appointments again makes it a much more public process. Any member of the public is able to come here, any member of the public is free to turn on the TV and witness this committee and hear the debate, while the previous government vastly—I would even say—overused the process for appointing for 12 months or less, concealed the appointments from the public until they were a done deal. I believe and know we have kept our promise. Thank you, Chair.

The Chair: Any further debate?

Mr Tascona: Yes. I think you better reread the promise, because the promise was, “We will lift the veil of secrecy on government agencies and appointments.” What’s happening here this morning is that the Liberal

majority on this committee has voted down a motion with respect to allowing us to review 33% of the appointments that are made by ministerial letter. Also, we’re not going to be allowed to review interim appointments and re-appointments made by the Premier. That’s not lifting the veil of secrecy when we’re not going to be privy to all these appointments.

What we also asked in terms of independence on this committee was to have the Premier stop issuing press releases of intended appointees before we even get a chance to review them. From what I’m anticipating here in terms of what independence we have in this committee, obviously the Liberal majority on this committee is going to break another promise, because, quite frankly, this is a very modest request in terms of allowing this committee to function properly, especially when you have a Liberal majority on it, as to how these things are going to happen, because I certainly haven’t voted down one of their intended appointees yet, let alone call any. I think they may have called two.

Mr Chairman, I think it’s very clear here today that what we tried to accomplish within the rules was to expand the mandate of this committee to make it relevant, to make it independent, and I await the vote on the second motion.

The Chair: Thank you, Mr Tascona. Any further debate?

Mr Parsons: I want to make it clear that we believe there is a process for all of this to happen, and that is through the House leaders. If the House leaders feel that a review should be undertaken, we certainly have no objection to that. I would suggest the process is, and has been, in place for quite some years now, that any member of a caucus is free to approach their House leader to request that a review be undertaken of any standing order. I don’t know whether Mr Tascona has spoken to his House leader or not, but I believe that this issue has not been discussed at the House leaders meeting that I’m aware of. I’m not saying it hasn’t, but I’m not aware of it. But the process is there. The process is for any individual member to approach their House leader. I cannot overemphasize that if the House leaders make a decision to review this and change it, we have no objection whatsoever.

The Chair: Thank you, Mr Parsons. Further debate?

Mr Tascona: [*Inaudible*] Mr Parsons is arguing the wrong motion. The fact of the matter is that’s what the request was, to go to the House leaders with a recommendation. Quite frankly, that was voted down by the Liberal majority. This committee, to be relevant and functioning—today, it has been made irrelevant and non-functioning and non-independent by the Liberal majority. That’s all I have to say. I’d call the vote.

The Chair: Further debate?

Mr Tascona has a motion on the floor. Does the motion carry? All those in favour—

Mr Tascona: Recorded vote.

The Chair: Recorded vote.

Ayes

Scott, Tascona.

Nays

Berardinetti, Dhillon, Fonseca, Parsons, Smith.

The Chair: The motion does not pass.

Is there any further other business from committee members?

Mr Tascona: I just want to know when we're meeting again.

The Chair: Two weeks from today will be the next meeting, whatever date that is. December something.

That's why I have a clerk. Two weeks from today, December 7?

Mr Berardinetti: December 8.

The Chair: There we go. We will confirm, but as per our usual schedule, Wednesday is not next Wednesday but the Wednesday thereafter. Any further business?

Mr Parsons: I would like to encourage Mr Tascona to write a letter to his House leader and see if the item is brought forward at their next meeting.

The Chair: I don't know if we want to reopen the debate on this.

Thank you very much, folks. We will see you in two weeks' time. This meeting is now adjourned.

The committee adjourned at 1140.

CONTENTS

Wednesday 24 November 2004

Intended appointments	A-269
Ms Lily Harmer	A-269
Mr Roland Montpellier	A-272
Ms Emanuela Heyninck	A-276
Committee business	A-279

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