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**Official Report
of Debates
(Hansard)**

Wednesday 1 March 2006

**Journal
des débats
(Hansard)**

Mercredi 1^{er} mars 2006

**Standing committee on
government agencies**

Intended appointments

**Comité permanent des
organismes gouvernementaux**

Nominations prévues

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Wednesday 1 March 2006

Mercredi 1^{er} mars 2006*The committee met at 1006 in room 151.*

SUBCOMMITTEE REPORT

The Chair (Mr. Tim Hudak): I'm going to call to order the standing committee on government agencies for our regular meeting of Wednesday, March 1, 2006. The first order of business is the report of the subcommittee on committee business dated Thursday, February 23, 2006.

Mr. Ernie Parsons (Prince Edward–Hastings): I would move its adoption.

The Chair: Mr. Parsons moves its adoption. Is there any discussion on the subcommittee report? Seeing none, all in favour? Any opposed? It is carried.

COMMITTEE BUSINESS

The Chair: We have some extension of deadlines. Pursuant to standing order 106(e)(11), unanimous consent is required by the committee to extend the 30-day deadline for consideration of the following intended appointees: Kenneth E. Bertrand, intended appointee to the Renfrew County and District Health Unit board; Paul Joseph DeVillers, intended appointee to the Consent and Capacity Board; and Lorna Marsden, intended appointee to the GO Transit board of directors.

Do we have unanimous consent to extend these deadlines to April 19, 2006?

Mr. Joseph N. Tascona (Barrie–Simcoe–Bradford): Yes.

The Chair: Seeing unanimous consent, it is agreed.

I'm going to defer other business until after the appointments, just so we can keep on schedule for intended appointees. I anticipate we'll continue the discussion on the certificate from last week. Mr. Parsons has already been kind enough to notify me that he has an item for other business, so I will defer that and proceed with the intended appointees at this time.

INTENDED APPOINTMENTS

MICHAEL GOUGH

Review of intended appointment, selected by official opposition party: Michael Gough, intended appointee as member, Ontario Lottery and Gaming Corp. board of directors.

The Chair: The first intended appointee is Michael J. Gough. Mr. Gough is an intended appointee as member of the Ontario Lottery and Gaming Corp. board of directors. Mr. Gough, you're welcome to make an opening presentation about your background and your interest in this particular position and then we'll have questions from all three of the parties represented at committee. We will begin any questioning today with the government side. Mr. Gough, the floor is yours.

Mr. Michael Gough: Good morning. Thank you for the opportunity to describe my background and some of my qualifications. While I grew up in Ottawa, I have spent most of my life in Toronto. I'm a lawyer and I've practised for slightly more than 35 years. I retired from the practice of law at the end of 2005.

More than a third of my career has been spent with the Ontario public service. I started in 1971 with the companies branch of the Ministry of Consumer and Commercial Relations, and subsequently moved to what was then the Ministry of Treasury, Economics and Intergovernmental Affairs—now Finance—where I became director of legal services. I think you have my resumé with details of what I did at the time.

In 1981, I joined the crown-owned Urban Transportation Development Corp., first as general counsel and subsequently as president of one of its operating subsidiaries. It was at that time that UTDC was delivering transit systems to Vancouver, Detroit and Toronto.

I returned to the practice of law in 1985 when I joined the law firm of Osler, Hoskin and Harcourt. I became a partner a year later, in 1986, and I've practised with Osler for the last 21 years, retiring, as I've said, within the last two months' time.

My practice was in the business law section but it was principally public law and regulatory affairs. That meant that many of my clients were regulated by or worked closely with either the federal or provincial governments. Again, you have my resumé, which sets out and describes something of my practice during the 21 years that I was at Osler.

Perhaps of more relevance to this committee is the experience I have with the gaming industry. When casinos were first announced, I was retained by a major US casino operator to assist them in bidding. No site had been selected at that time. It ultimately turned out to be Windsor. We did bid it, we were short-listed and we were not selected to be the operator in Windsor. A couple of years later, the

province announced that there would be a casino in Niagara Falls, and again I was retained by the same US operator. However, after a great deal of work, it was ultimately decided that they would not bid the Falls casino.

I have acted on behalf of a variety of lotteries, including the establishment of one of the major Toronto hospital mega-lotteries.

Finally, I've served on a variety of community boards. The boards I currently sit on are described in my resumé. They include Trent University and the Energy Council of Canada. I've probably spent far too long on the board of the Canadian Opera Co. and on the board of the opera house corporation, which I must tell you is coming along famously down at its site at Queen and University.

I have just started into and finished the first quartile of the directors' education program at the Rotman School of Business, which is conducted by the Institute of Corporate Directors.

I think I bring a number of qualifications to this appointment. I have a good blend of public and private sector experience. I have a sound understanding of the regulatory and business side of the gaming industry. I have prior experience with crown agencies from the 10 years I worked with the Ministry of Treasury, Economics and Intergovernmental Affairs and was involved in drafting them and dealing with their governance, together with the three and a half years that I worked with the Urban Transportation Development Corp. Finally, I have considerable experience sitting on corporate boards and a good understanding and knowledge of corporate governance.

I hope these qualifications will recommend me for your consideration in the appointment to this position. That completes my statement.

The Chair: Thank you, Mr. Gough, for the opening statement. I note for the record that you, as a former senior solicitor in the Ministry of Consumer and Commercial Relations, were out of there well before the Hudak regime began, so it was probably a wise move.

Anyway, thanks for the background and the interesting presentation—

Interjection.

The Chair: I thought it was funny, Mr. Gravelle.

Mr. Parsons: That was actually going to be our first question.

The Chair: That was? He heard I was coming in and hightailed it out of there.

Mr. Michael Gravelle (Thunder Bay–Superior North): I was trying to smile, Chair.

The Chair: Questions from the government members?

Mr. Parsons: Mr. Gough, you've applied to be a member of the Ontario Lottery and Gaming Corp. board of directors. That's not the organization you initially applied to for an appointment. How did you get from there to here?

Mr. Gough: In early 2005, I determined I was going to retire. There was an ad in the ROB for the position. I spoke with a couple of senior individuals within the AGCO to see if it was something I wanted to do because I did intend to retire and I felt a bit ambivalent about

taking on a full-time position. But it struck me as such an interesting one that I would apply for it, and I did. I was one of, I think, five or six individuals who were selected for an interview probably sometime in September 2005.

My name was not the one that went forward at cabinet for approval, but out of that came one or two sources with the suggestion that I had a good skill set and that I could probably usefully apply it to other positions. As a result of that, I came in and had a half-hour meeting with the public appointments committee. We chatted about various areas of my interest and where my skills might fit.

Following on the AGCO one, the board of the lottery commission appeared to be a good fit and so there was an exchange of e-mails where I said, yes, I'd be interested in it. About a month later, Tim Reid, the chairman of OLGC, phoned me and said he had this resumé, thought it might be a fit and could we get together for lunch. We did and he then said, "Listen, here's the personal disclosure forms for the AGCO. Fill them out," and I must say I've never gone through anything quite as massively intrusive as the financial information required by those forms. Out of that—

Mr. Parsons: They were prepared by lawyers.

Mr. Gough: I gather they were. I had said verbally that I would like to apply for this position and then Tim Reid became involved, but I'm not quite certain why the material you have in front of you, which wouldn't be markedly different from what it would say for this position, should have me as the chair of the Alcohol and Gaming Commission. I did not get that spot.

Mr. Parsons: That's all. Thank you.

The Chair: Great. Thank you to the government side. The official opposition?

Mr. Tascona: Thank you for coming here today, sir. So I understand correctly that you're no longer with Osler, Hoskin and Harcourt?

Mr. Gough: That's right. I retired officially at the end of 2005 and I've notified the law society that I will not be practising law. My status with the law society is now such that I pay 50% of my fees because I do earn other income. I'm consulting in on-board positions and so I'm required, until I hit age 65, to keep up at least a partial membership.

Mr. Tascona: According to the Osler, Hoskin and Harcourt website, the firm has more than 400 partners, associates and paraprofessionals. Do you anticipate any difficulty avoiding situations in which your association with Osler, Hoskin and Harcourt might lead to an apprehension of bias or of conflict of interest?

Mr. Gough: It was a question that concerned me, and when I applied for the position, I wrote to the gens majeurs as part of my disclosure form saying, "I've done a lot of gaming work. My firm has been involved, though not me, in negotiating the construction agreement with Falls Management. There are a few construction lien files hanging on, but I get a retirement allowance from the firm. I don't participate in profits, but the retirement allowance I get comes out of net profits.

That concerned me enough that I sent a copy of my disclosure letter to Coulter Osborne, the Integrity Com-

missioner, and asked if he would be good enough to review it and meet with me. Coulter Osborne and I met by telephone for half an hour. We discussed my work, we discussed Osler's ongoing work and we discussed my other boards. As a consequence, he gave an opinion that in his view nothing that I had done nor my relationship with the firm nor my ongoing receipt of retirement allowances would constitute a conflict of interest.

Mr. Chair, I have copies of that letter, should it be of interest to committee members.

Mr. Tascona: Thank you. I want to ask you a question about Internet gambling. The Criminal Code does not explicitly prohibit Internet gambling. However, from what I understand from the research that was done for me, it's the view of the Alcohol and Gaming Commission of Ontario that Internet gambling is caught by the general prohibitions prescribed by section 206 of the Criminal Code. Moreover, for the purposes of section 207, an authorized "lottery scheme," other than one run by the province, does not include a scheme that is operated on or through a computer. Whether the province could legally conduct and manage an Internet gaming scheme is, according to the commission, open to question. In any event, the commission says it has not issued any licences to operate an Internet lottery scheme in Ontario. It also believes that no other province has issued such a licence. To date, no Internet gambling cases have been prosecuted under part VII of the Criminal Code.

That's certainly getting a lot of press, and I know one of the members has a private member's bill tomorrow on Internet gambling from a point of view of advertising it through the media in the country, though these Internet gambling schemes are from outside the country, and that it's affecting, for example, the harness racing industry and perhaps it's going to be a big growth industry with respect to gaming in this province. Do you have any comments about that?

Mr. Gough: Yes. Internet gaming is a loaded issue. I've opined to clients who have come to Osler's and said, "We're asked to provide servers, a network for Internet facilities in First Nations properties in Quebec because of the law thing." We've been of the view that the Supreme Court of Canada says gaming is not an inherent right or part of Indian culture. I do not think the Criminal Code authorizes Internet gaming even with a server because it talks about aiding and abetting. It doesn't matter that there's the Internet network or the operation run out of the Bahamas if there's a principal server here, which I gather serves something like 15% to 20% of the international Internet gaming.

I'm troubled by it for two reasons, and not that Ontario's losing revenue. I'm troubled by it because, no matter what they say about the regulation of it, their ability to police underage gaming and whether you're 19, their ability to deal with compulsive gaming, to identify it and fund treatment for people who've become addicted—and sitting at a computer terminal playing poker can be highly addictive.

So I agree with the statement made by Minister Cordiano in late 2005 that this province is not at this time going to have OLG move into Internet gaming. It's one of the significant issues that OLG and its provincial counterparts face, and it's a troubling one.

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The Chair: We have about four minutes.

Ms. Laurie Scott (Haliburton–Victoria–Brock): Welcome to the committee today, Mr. Gough. I see on your resumé that you are a director and chair of the nominating and governance committee of Trent University. I didn't see that you had attended Trent. I am in the neighbouring riding of Haliburton–Victoria–Brock, and Trent University is one of the closest universities to me. I just wondered what your connection was with Trent.

Mr. Gough: We have a farm that we bought about eight years ago up near Trent. We can go up on weekends and we're up there whenever we can. All I met were other people from Toronto, and I thought, if I'm ever going to get integrated into the Peterborough community it's going to be by joining a board like Trent. It's the first university board I've been on, and very little in life prepares you for a university board or how they get financed until you actually get on one. I have just taken a second three-year term. I'm very much enjoying it and very much enjoying the university and the students.

Ms. Scott: It's a wonderful university, and Bonnie Patterson does a great job there.

Mr. Gough: Bonnie is a delight. She chairs, as you know, the AUCC this year.

Ms. Scott: That's wonderful. Welcome to the area and thank you for joining the board. That's great.

My colleague Mr. Tascona was questioning about the marketing with the OLG. Do you believe that the marketing is currently being done in a socially responsible way, or might you improve upon it? You were expressing concerns with Internet gaming and monitoring and underage. Can you expand on that?

Mr. Gough: The public's perception of gaming has so changed since the amendments to the Criminal Code in the 1960s and 1980s, when it used to be vice. Now the preponderance of the community recognizes that it's entertainment and that if it's going to be around it might as well generate revenue for government.

What's critical to the acceptance of gaming is that very delicate balance between the social benefits and the social costs that are generated. I think again in 2005 we were right, sitting back, taking a pause, saying, "Let's take a time out and calibrate to see that we've got the correct balance between the social benefits and the costs."

Having said that, numbers are down, employment is down, take is down, revenue to the government is down. I think this has more to do with the fact that Americans aren't travelling as much as they once did. There are safety and security issues at borders as you come up, and those issues trump casino revenues. But people simply aren't travelling, in part because of the Canadian dollar and in part because it's a scary place to be out there now, with SARS and other things. But I think, with appropriate

marketing and things like the refurbishment of the casino in Windsor to be able to attract more people from the Detroit side—there are still differences between how your winnings are taxed. You still make an extra 15—I think it's 14 cents today on the Canadian dollar, gaming in Canada. But there's more competition out there and we're going to have to be sharper, but sharper in the context that the costs never get to outweigh the benefits.

Ms. Scott: My colleague the member from Waterloo–Wellington introduced a private member's bill in 2004 that puts a moratorium on, which I'm hearing from you that you agree with, to step back and reassess—but revenues are down. Do you have any ideas of what you'd like the future of the Ontario Lottery and Gaming Corp. to be in the next few years? Do you feel marketing changes or—

Mr. Gough: I think marketing changes. The Sadinsky report and the response by OLGC to a responsible gaming code of conduct I think has gone a long way, if it's appropriately implemented, to identify, monitor and fund treatment of people with addictions to gambling or who are at moderate or low risk of it, because we've got to watch them as well.

Ms. Scott: But specifically to get more people in?

Mr. Gough: Yes, more people in. Clearly, there is an economic driver to this. There are 20,000 people in Ontario who rely directly on OLGC for employment. There's probably a multiplier not much higher than one, I suspect—so another 20,000 people in the hospitality industry who indirectly rely on it. That's a significant obligation to those Ontarians who work for us. I haven't been on the board, so I haven't got a sense of what marketing initiatives are there, but within the context of being socially responsible, I could see us taking more initiatives to make it more attractive.

Mr. Gilles Bisson (Timmins–James Bay): Thank you and welcome to our committee. I wasn't going to get into this particular issue because I have others, but banning Internet poker playing: I'm not quite sure how you enforce that or how effective that would be. Your thoughts?

Mr. Gough: You know, it's—

The Chair: Sorry to interrupt. Could you move a little closer to your microphone? Hansard picks it up for the sake of recording.

Mr. Gough: Of course I can. It's exceedingly difficult to enforce. Quebec and Ottawa must be looking closely at the commerce—

Mr. Bisson: I think the intent is good, but I don't know how you really police anything like that.

Mr. Gough: You can't. China is dealing with the issue, and I don't think we're prepared to go there.

Mr. Bisson: That's an interesting comment; that will be for the debate coming up. But it seems to me that we need to put an emphasis on education; we need to put an emphasis on trying to get people to become more responsible when it comes to gaming. That's where I'd rather see the emphasis, and to that point, it would seem like a role for the OLGC to play. Any thoughts on that? There's obviously already some of that that happens. Do we need to do more?

Mr. Gough: Yes, I do. If the government has said, "We're not going to be in Internet gaming," and there are problem-gaming issues, there are risks to unsupervised gaming on the Internet, then yes, there has got to be more education. People have to be told about the risks, they have to be told about the factors to look for that show you that you're at risk, and then they've got to provide a mechanism, when you hit the wall, to self-report and to be able to get help from the agencies that deal with and help—

Mr. Bisson: Yes. It seems to me that it's a tough one. I know a number of habitual gamblers in my riding, and we often have conversations as we run across some of these constituents, everywhere from Moosonee to Timmins; you name it. It always strikes me: I say, "Jeez, that's a lot of money you lost there. Why do you keep on going back?"

There was a really good explanation—I'm side-tracking, but there was a movie that came out recently; there was a really good part. It was Robert De Niro—what's the name of the movie? Can anybody remember?

Interjection: Pacino.

Mr. Bisson: Oh, Pacino. What's the name of the movie?

Mr. Gravelle: It was called Casino.

Mr. Bisson: No, no, no. Is it Casino?

The Chair: Sports gambling. I'll think of it.

Mr. Bisson: Yes, it's about sports gambling. My point is, there's a really good line in it where Pacino goes into a Gamblers Anonymous meeting and at the end of it does this whole diatribe that's quite interesting.

The Chair: Two for the Money.

Mr. Bisson: Two for the Money; that's what it is. You've got to see it, because at the end of the day what he says is that it's the rush of losing, not the rush of winning, that keeps on bringing you back, and I thought, "Boy, is that ever interesting." Anyway, I digress.

Just a couple of things: Why this particular board? I know that you've had some experience in the gaming industry, but how did you hear about this appointment? I wasn't here to hear your comment; I'm sure it was asked. Why this particular board?

Mr. Gough: It was a natural follow-on when I was not successful in my application to chair the Alcohol and Gaming Commission. I had gone on in anticipation of retirement because I'd had 13 years in public service and I had really enjoyed it. I thought part of my next career—and I'm still young enough to have one more—would involve some part of public service. Finding one—I didn't want to go on the Assessment Review Board; I didn't want to go on workman's compensation; that's not my background. My background was regulatory. I enjoyed working with the gaming industry, I have a good feel for it, and that's what attracted me to the AGCO.

1030

Mr. Bisson: So you found out about this on your own. You weren't approached by anybody to go to the appointment.

Mr. Gough: No.

Mr. Bisson: That's what I was wondering.

I notice you have some experience also dealing with First Nations in regard to gaming, and that will bring me to my next segue, which is, you're aware of the win tax issue. A couple of things are going to fall out of that. Obviously, one of them is going to be the request to expand native gaming. Your thoughts?

Mr. Gough: I have not read the agreement between the Chippewas of Rama First Nation or the other 133 First Nations, so there's little I can add to that, Mr. Bisson. I'm aware of the litigation and the split. What troubles me is that there's nothing that seems to have happened to facilitate a settlement in that. The Chippewa are holding at 35%, and it was supposed to be perpetual. How the other 133 First Nations with the 65% will come to an accommodation totally eludes me, and that's simply because I haven't followed the litigation closely enough. Does it mean that the AGCO steps in and tops it up? The decision on that 20% win tax is going to be a government decision.

Mr. Bisson: I understand. My specific question, though, is that part of what may fall out of this—there are two things. First of all, as I understand it, the gaming commission is taking a position—it might be the government taking the position; I'm not as clear on that point. But the issue is that, at one point, Rama would be converted back to the province, and then they would get a cut of the overall gaming proceeds of the province of Ontario. Are you aware of that at all?

Mr. Gough: No, I'm not.

Mr. Bisson: Any thoughts on that?

Mr. Gough: It would revert back to Ontario? Yes, I can see there's a rationale to it if the First Nations were in support of that happening.

Mr. Bisson: I guess my question is, if they don't, where would you be on this issue?

Mr. Gough: Then I would be reluctant to see AGCO or the government step in to impose on those First Nations—they were able to arrive at the selection of Rama. I think you're on slippery ground when you get involved with their affairs.

Mr. Bisson: That's one of the things I wanted to hear. The other thing is that there is some desire on the part of some of the First Nations to expand native gaming into different areas: other charity casinos or whatever you might call them. Your thought on that?

Mr. Gough: I think it's possible. The 2005 freeze, with no more charitable casinos, was an opportunity to sit back and catch your breath and say, "Where are we going? Is this rolling out as we'd like?" I suppose it's entirely possible that that might occur.

Mr. Bisson: The other thing is that I picked up a couple of the sample products that your organization sells, and I have a complaint: I never win with these things. So why the heck are you selling them?

Mr. Gough: I pick up tickets when Lotto 6/49 hits \$30 million, and I haven't won yet either.

Mr. Bisson: If there's anything you can do to help me, it'd be very appreciated.

The Chair: Thank you, Mr. Bisson. Mr. Gough, thank you very much for your presentation. The Chair's only comment is with respect to responsible advertising in regard to these talking card commercials that the Niagara Fallsview Casino does. They're very annoying, and I find that irresponsible. Have you seen them—the talking cards, the king and the queen who talk and make really bad jokes? I just want to go on the record to say I find that irresponsible because they're annoying.

Mr. Gough: I will pass that along, Mr. Chair.

The Chair: Thank you very much, Mr. Gough, for your presentation. We'll move to our concurrence votes after we interview the other two intended appointees. You're welcome to stick around for the vote. It will probably transpire in about an hour's time.

ELKE HOMSI

Review of intended appointment, selected by official opposition party: Elke Homs, intended appointee as member, Ontario Rental Housing Tribunal.

The Chair: Our next intended appointee is Elke Homs. Elke Homs is an intended appointee as a member of the Ontario Rental Housing Tribunal. Ms. Homs hails from here in Toronto, Ontario. Ms. Homs, you've been here in the committee room. You're welcome to make an opening presentation about your interest and your background. Any questions today will begin with the official opposition, and we'll rotate from there.

Ms. Elke Homs: Thank you very much.

The Chair: No problem. The floor is yours when you are ready.

Ms. Homs: I have a written statement. Mr. Chairman, members of the committee, thank you very much for the opportunity to appear before you today and outline the qualifications and experience I can offer as a candidate for the position of an adjudicator on the Ontario Rental Housing Tribunal.

I have worked for the past 11 and a half years as a member of a quasi-judicial tribunal, namely the Immigration and Refugee Board. Both the IRB and the ORHT deal with large caseloads and therefore, as a member of such a board, you have to be able to deal with volume while ensuring procedural fairness.

The mission statement of the ORHT is: "To resolve disputes between residential landlords and tenants by providing public education, mediation and adjudication services in a fair and timely manner." My role would be in adjudication services. In order to fulfill the mandate stipulated by the mission statement I can offer the following: I will divide my expertise into three components, namely, case preparation, hearing room conduct and order and reason writing. In my 11 years of sitting on refugee claims, I learned that case preparation is vital in order to conduct a short and focused hearing in accordance with the law.

As an adjudicator, you are being assigned blocks of applications. You have to make sure that you have all the

information required for the hearing, that you know the issues that might arise. You have to know which section of the Tenant Protection Act applies to the application, the rules of practice for this particular application and the guidelines that might be appropriate. You have to assess which section of the application might not be clear and you have to be able to ask relevant questions in order to get the evidence to make an informed decision. You are assigned a schedule to deal with your cases, which means that you have to be punctual. Once you are in the hearing room, as an adjudicator, you have to be in control of the room. At the ORHT you can expect to have a full room, and you have to ensure that the parties in the proceedings are not being distracted by the public.

When the applicants appear before you, you have two scenarios to consider: First, the represented applicant and respondent, the ones with legal representation, and, second, the unrepresented parties. It is in the case of the unrepresented party—and I assume that this will be the case in the majority of the applications this tribunal deals with—where you have to ensure that both sides are afforded procedural fairness. I am well versed in dealing with unrepresented parties. I would say that in the past three years about 40% of the claimants who appeared before me had no legal counsel.

As an adjudicator living and working in a province as multicultural as Ontario, you have to have knowledge of and sensitivity to cultural differences, which I also gained during my many years serving at the IRB. For example, you have to be aware of language problems, you have to ensure that the parties actually understand what is being said and, in case an interpreter is present, that the interpreter is competent. You also have to deal with motions at a hearing, for example, for adjournments, and you are guided by your guidelines in this respect and rule accordingly.

Sometimes there are motions of bias against an adjudicator, so you have to know how to deal with such a motion. However, in my 11 and a half years as a member of the IRB I never had to deal with a bias motion and was considered to be fair and balanced, and I hope I can continue with such a record.

After the hearing, or even at the hearing, you have to write the order or you have to write reasons, or deliver oral reasons which might be subject to internal or judicial review. I have delivered about 1,000 written reasons during my time at the IRB—I am not counting the oral decisions—and I am proud to report that less than a handful were ever sent back for rehearing by the appeals court, which is much below the national average of about 3%. A reason has to be written in a timely manner; it has to reflect the evidence you are dealing with and the statute and case law that is relevant in the particular case. My usual timeline was to finish a reason within two or three days of the day of hearing and, in all of my performance reviews, I was assessed to be highly efficient.

In summary, the above is what I have to offer and, as an adjudicator of the ORHT, I promise to be fair, expeditious and compassionate. Thank you very much.

The Chair: Thank you very much for the presentation and your interest in the new position. We'll go to the official opposition for any comments or questions; Mr. Tascona.

Mr. Tascona: Thank you for attending here today. I just wanted to ask you a few questions here. I notice in your resumé you indicate that you ceased being a member of the Immigration and Refugee Board in December, 2005. Why did you stop being a member?

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Ms. Homs: There is an unwritten rule at the IRB that members are not appointed for more than 10 years. The board managed to keep me for 11 and a half years. In September, I was notified that there was no political will to keep anybody past 10 years, so I am actually one of the longest-serving members who ever served on the board.

Mr. Tascona: Are you currently a member of the provincial Liberal Party?

Ms. Homs: No.

Mr. Tascona: You worked for Tony Ruprecht, I believe, as his legislative assistant?

Ms. Homs: Oh, yes. He was so kind back in the mid-1980s, about 20 years ago, to offer me a job. I worked for him as an assistant for less than a year.

Mr. Tascona: Yes. It says here on your resumé that from 1988-89 you were legislative assistant for the MPP for Parkdale, dealing with multicultural issues and constituents. The member for Parkdale would have been Tony Ruprecht?

Ms. Homs: Yes.

Mr. Tascona: And he's a current member of the Legislature here, now; I believe it's Davenport that he's the member of. Maybe Lorenzo can—

Ms. Homs: But I completely lost touch. You're talking about things from about 20 years ago.

Mr. Tascona: So you're not personally in touch with Mr. Ruprecht these days?

Ms. Homs: Oh, no. Unfortunately, we lost touch.

Mr. Tascona: So how did you find out about this appointment? It's a full-time rental housing tribunal position, which I think is a fairly prestigious appointment. What does it pay; do you know?

Ms. Homs: Since September, I knew I wanted to continue working on—I do have, as I stated, a lot of experience—

Mr. Tascona: Do you know what it pays?

Ms. Homs: Yes; about \$69,000 or so. Ms. Ma is now the chair. Ms. Ma used to be a supervisor at the IRB. I thought she would know of my work ethics and my performances at the IRB.

Mr. Tascona: So it's \$69,000 a year. What's the length of the appointment? Is it a three-year appointment?

Ms. Homs: About three years, yes. I always had about a two-and-a-half- or three-year per appointment during all my time there at the IRB.

Mr. Tascona: How did you come to apply for this? Did you deal with someone from the Liberal government for this job?

Ms. Homs: No, no. Quite a few of my former colleagues were members—

The Chair: Excuse me, Ms. Homs; I'm sorry to interrupt. If you don't mind speaking closer to the microphone so that we can pick this up for the sake of Hansard. Thank you.

Ms. Homs: Okay, sure—were members of that board, so I asked them and they said, "Why don't you get in touch with Lilian Ma and ask her whether she needs any members?" I think it was around October 5 that I sent her an e-mail: "Do you need anybody?" She said, "Apply. You have to apply to us through the Internet."

Mr. Tascona: So you applied, and what happened after that?

Ms. Homs: I did not hear anything for months. Then I got a letter that I had an appointment on December 13 to appear before a committee and have a job interview. That was on December 13, which was by accident exactly the day when my appointment with the board ended. So I went there, and Ms. Ma and two of the vice-chairs questioned me on my experience, on the act and so on for about an hour. It was quite rigorous. Then I had to write a written test. Then I didn't hear from them for about another month, and now I'm here.

Mr. Tascona: Who notified you that you were coming here?

Ms. Homs: I think the appointments secretary did, and then your clerk called me too.

Mr. Tascona: Who was that? Oh, the clerk. Okay.

Ms. Homs: I don't know exactly who it was. Somebody from your committee called me, and then I got a letter.

Mr. Tascona: Currently, do you own your own home or are you a tenant?

Ms. Homs: I have owned my own home for the past five years and I used to be a tenant before that.

Mr. Tascona: Have you ever been a landlord?

Ms. Homs: No.

Mr. Tascona: There's a lot of publicity out there. They're saying that the rental tribunal is biased towards landlords. Do you have any thoughts about that?

Ms. Homs: As an adjudicator, I have to be non-partisan and I have to evaluate the cases on the facts that are being presented to me. I am aware that there were some allegations, and I think the Ombudsman of Ontario already addressed this back in 2003 or 2004 in his report. There have been public consultations on this, but as I don't know the cases and the allegations exactly, it is hard for me to give a comment.

Mr. Tascona: The Liberals have made much about changing the legislation and the Tenant Protection Act and, of course, they haven't done anything to do that. Do you have any thoughts about whether the Tenant Protection Act should be changed in any way?

Ms. Homs: Well, any act always has some shortcomings. We learn about this during the years when you

work and apply the act. I'm aware that there were public consultations. The government did write a green paper, shareholders did send interesting responses, so it is now up to lawmakers such as yourself to make sure that everything will be implemented. Those are all the comments I really have for this. As an adjudicator, you have to work with what you've got, right?

Mr. Tascona: Yes, but you were a tenant before. Did that provide you with any perspective—five years past—on fairness with respect to the relationship between a landlord and a tenant?

Ms. Homs: Oh, yes, sure. The thing is—and that was one of the mission statements—you have to know your rights as a tenant. The mission statement of the ORHT said that they want to ensure public education, and hopefully they are already doing this. There is new management at the ORHT. I have not worked for the board as such, so I'm as much an outsider as you are. All the knowledge I have is through reading in order to prepare both for my job interview and to appear before you today.

Mr. Tascona: Okay. That's all the questions I have.

Mr. Bisson: You were at the—hang on a second here; I want to make sure I've got it right—you were at the refugee board. How long were you there?

Ms. Homs: For 11 and a half years, since 1994.

Mr. Bisson: Was that a renewable appointment?

Ms. Homs: Oh, yes. I got renewed at least—I never had an appointment longer than three years.

Mr. Bisson: So you were appointed by the Liberal government federally, then.

Ms. Homs: Yes.

Mr. Bisson: And why were you not reappointed?

Ms. Homs: I told you. The board has an unwritten rule that no member gets appointed past 10 years. Somehow, the board managed to keep me for 11 and a half years. I know that the management in Ottawa really tried to keep me, but I was told there was no political will to keep anybody past 10 years. Most of the experienced members only had 10 years' appointment. I'm an exception, with 11 and a half years.

Mr. Bisson: I've just got a question to the clerk, or maybe research: How long does it normally take? What I heard was you originally applied in October.

Ms. Homs: Yes.

Mr. Bisson: And she was notified in December. That seems a little bit quick. I'm just curious: How long does it normally take, on average, for that kind of appointment?

The Chair: I'll ask them if we have the capacity, since we just react to the certificates we get. You know what? We could ask the Public Appointments Secretariat.

Mr. Bisson: I'd just be curious, if you could get that for me. It seems to me it was rather fast and I'm just wondering if you knew someone. Are you fairly well connected with the Liberal government?

Ms. Homs: You mean the provincial?

Mr. Bisson: Yes.

Ms. Homs: No, because since 1994 I have not been in the party. We have a very strict code of conduct when you're a member of the Immigration and Refugee Board. Even though you can be involved in some aspects of political life, I thought it was much less complicated to completely quit politics. But I certainly know a few people here, two of the—and the former chair is a member of Parliament now, so they would know of me and of my performance at the board.

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Mr. Bisson: All right. Trilingual? Français, allemand, et l'anglais?

Ms. Homs: Yes, but my French is not sufficient to conduct a hearing.

Mr. Bisson: I was just wondering, because I thought I saw in your resumé somewhere that you're studying—

Ms. Homs: Yes. I speak German and some French, but not enough to conduct a hearing or write a reason in French.

Mr. Bisson: You did some studies with Alliance française, then?

Ms. Homs: Yes.

Mr. Bisson: So you understand French, but you're not able to converse. Your German, obviously, is fluent.

Ms. Homs: Oh, yes.

Mr. Bisson: That's good; the more languages the better. That's all I've got. Thank you.

The Chair: The government side?

Mr. Parsons: No. We're very impressed with your qualifications. No questions, Chair.

The Chair: Thank you very much for your presentation and your response to the members' questions. You're welcome to stick around. We move to the concurrence votes on the intended appointees after the next interview.

ELIZABETH WILFERT

Review of intended appointment, selected by official opposition party: Elizabeth Wilfert, intended appointee as member, council of the College of Dietitians of Ontario.

The Chair: I would call forward Elizabeth P. Wilfert. Ms. Wilfert is the intended appointee as a member of the council of the College of Dietitians of Ontario. Ms. Wilfert joins us from Richmond Hill. Welcome to the standing committee. You're welcome to make an opening presentation on your background and your interest in this particular position. Questions will begin with the third party, Mr. Bisson. Ms. Wilfert, the floor is yours.

Ms. Elizabeth Wilfert: Mr. Chair, members of the committee, I appreciate the privilege of appearing before you this morning to discuss my qualifications to be appointed to the council of the College of Dietitians. It's my understanding that you have a copy of my resumé before you, and I would simply like to highlight what I consider to be the strengths that I would bring to this council.

In my capacity as an elected hydro commissioner for the town of Richmond Hill, I was responsible not only to

represent the constituents as consumers, those who may not have been happy with their bill or service, but also to represent the employees. As chair of the human resources committee, we worked together to improve employment conditions. I was also involved in staff grievances and working with the union. As councillor, ward 6, for the town of Richmond Hill, I was responsible for making sure the needs and concerns of those constituents/tax-payers/consumers were met.

The Richmond Hill Arena Association is unique in the province of Ontario. We are at arm's length from the town; a stand-alone organization. We not only set policy but must make sure we are financially solvent. I believe my diverse experience in the volunteer sector, such as being on the boards of directors of the Richmond Hill Public Library, Helpmate Community Information and Volunteer Bureau, as well as the Arena Association, in addition to being president of our homeowners' association and working with Communities in Bloom, along with other volunteer roles, would be an asset to any organization.

Registered dietitians represent a growing and important sector of our economy. As our parents age, we consider additional care for them. Seniors' institutions rely on dietitians to provide guidelines for food that is not only nutritious but appetizing and digestible for the elderly.

As an educator, I witness first-hand what recent reports have been saying: that our children are gaining too much weight. Not enough exercise coupled with parents' busy lifestyle and fast food tends to be the staple for our young people. Dietitians are essential in the community to work alongside school boards and parents.

Finally, we come to our generation. Studies released just last month stated that we will not live as long as our parents because of our diets. More than ever, we will be turning to dietitians to help us manage our health.

I've had the opportunity to study first-hand the extensive website of the College of Dietitians and could not agree more with the importance of their mandate, which is to ensure that the public gets the best possible care by competent, professional dietitians, protecting the public while supporting dietitians in Ontario. I would like this committee to know that I would not allow my name to stand if I did not believe that I could be 100% committed to such an organization and give it my very best effort. If my appointment to the council of the College of Dietitians is approved, I would be honoured to serve the province of Ontario in this manner.

The Chair: Thank you very much for your opening remarks. Any questions will begin with the third party.

Mr. Bisson: Thank you and welcome. Something caught my attention: "Parliamentary Spouses Association (Federal)." Your spouse is a member of federal Parliament?

Ms. Wilfert: Yes, he is.

Mr. Bisson: I didn't recognize the name. Where's the riding?

Ms. Wilfert: Richmond Hill.

Mr. Bisson: Obviously, it's the same last name, I take it.

Ms. Wilfert: Yes, that's correct.

Mr. Bisson: Liberal? Conservative?

Ms. Wilfert: Liberal.

Mr. Bisson: I kind of thought there was a pattern here. Why this particular board? Why dietitians? In going through here, I didn't see a lot of experience in that area.

Ms. Wilfert: No. I feel that you and I, our children and our parents more and more depend upon dietitians in our new lifestyles.

Mr. Bisson: Some more than others.

Ms. Wilfert: Yes, it could be. I think it is an area that I am very interested in as a consumer.

Mr. Bisson: But do you have any experience in this area?

Ms. Wilfert: No, I don't, but I think that I have an awful lot of other diverse experience I could bring.

Mr. Bisson: I'm sure you do. I'm just wondering why this particular direction. Why not another direction as far as a public appointment? Obviously, you have an opportunity to be appointed to something, because you have a number of experiences in electricity, university, a background in education. There's a whole bunch of experience there. Why this? How did this come about? Were you approached? Is it something you saw?

Ms. Wilfert: I had been approached by York Central Hospital.

Mr. Bisson: Are you on the board there?

Ms. Wilfert: No, I am not.

Mr. Bisson: So explain the relationship. I don't quite understand.

Ms. Wilfert: The president and the chair of the foundation approached me to apply to the LHIN board.

Mr. Bisson: Oh, I see. Okay.

Ms. Wilfert: I was too late, and then the Ministry of Health, after seeing my resumé, suggested that I might—

Mr. Bisson: So you had an application in already for the LHIN board, and when they saw your application, they thought, "Oh, maybe there's something here."

Ms. Wilfert: Yes.

Mr. Bisson: Well, I'm not going to ask the obvious here. You're a member of the Liberal Party, I think it goes without saying. You've got impeccable credentials, I guess, on that side.

Ms. Wilfert: I am not a member of any provincial party.

Mr. Bisson: Well, their federal cousins, whatever—same thing. I don't have any other questions. It's pretty clear: a Liberal appointment.

The Chair: To the government side.

Mr. Parsons: No questions, thank you.

The Chair: No questions from the government side. Official opposition: Mr. Tascona.

Mr. Tascona: Yes, we do have questions. I'm not surprised the government doesn't have any questions.

I want to thank you for coming here today. Just to clarify, you're the wife of Liberal MP Bryon Wilfert?

Ms. Wilfert: Yes.

Mr. Tascona: Mario Racco, who's the MPP for Thornhill, is your reference.

Ms. Wilfert: Yes. I'm acquainted with Mr. Racco through municipal work. He was the municipal councillor in the city of Vaughan. Richmond Hill, Vaughan and Markham, in their growing days, chaired many joint ventures, and we continue to share our hospital. Also, when I was an elected hydro commissioner, at that point in time the province decided to deregulate hydro, and Richmond Hill's council, which I was not a member of then, decided to sell, and Markham and Vaughan purchased the hydro. That's where my acquaintance with Mr. Racco began again.

Mr. Tascona: So you're still friendly with him today.

Ms. Wilfert: I'm an acquaintance.

Mr. Tascona: A good acquaintance?

Ms. Wilfert: I know Mr. Racco, but we are not social friends like that.

Mr. Tascona: Because we had one person here last week who was a neighbour, but he wouldn't admit to being a good neighbour; that's another story. But we know you're an acquaintance of Mr. Racco's, strong enough that you'd put his name on your resumé.

On this particular matter, did I understand correctly that you had applied to be on the LHIN?

Ms. Wilfert: Yes.

Mr. Tascona: In what capacity? The board of directors or CEO?

Ms. Wilfert: No, just on the—

Mr. Tascona: Just on the board of directors.

Ms. Wilfert: Yes.

Mr. Tascona: And you weren't successful?

Ms. Wilfert: No. The time had apparently passed.

Mr. Tascona: Okay. So the dietitian position came open.

Ms. Wilfert: Yes, that's correct.

Mr. Tascona: Who told you about that?

Ms. Wilfert: The Ministry of Health.

Mr. Tascona: Who in the Ministry of Health?

Ms. Wilfert: Mr. Smitherman's office.

Mr. Tascona: So Mr. Smitherman's office arranged for you to be able to apply for this appointment.

Ms. Wilfert: It was suggested that I might be interested in this appointment.

Mr. Tascona: Who in Mr. Smitherman's office made contact with you?

Ms. Wilfert: I'm sorry, I'm going to mispronounce his name, a gentleman by the name of Mr. Shamsul Islam.

Mr. Tascona: Do you know what position he was in?

Ms. Wilfert: No, I don't.

Mr. Tascona: From there, you made your application. Did you have any more involvement with the Ministry of Health before today?

Ms. Wilfert: None whatsoever.

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Mr. Tascona: What's your understanding of the role of this particular council for dietitians? It's a self-governing council. What's your understanding of its role?

Ms. Wilfert: Its mandate states that it's to protect the public. More and more of us are turning to dietitians in various areas—cancer victims, burn victims, people with

diseases, diabetes—and it's important that the public be protected, but at the same time that dietitians be protected in this situation.

Mr. Tascona: Have you had any personal experiences with the profession of dietetics?

Ms. Wilfert: No.

Mr. Tascona: None whatsoever?

Ms. Wilfert: No.

Mr. Tascona: Do you have any prior experience sitting on regulatory or adjudicative bodies?

Ms. Wilfert: No, I don't.

Mr. Tascona: Do you have any understanding of the regulatory framework and objectives set out in the Regulated Health Professions Act, 1991, and the Dietetics Act, 1991?

Ms. Wilfert: Yes, I have done extensive research and studied it thoroughly.

Mr. Tascona: Both of them?

Ms. Wilfert: Both of them, yes.

Mr. Tascona: What's your understanding?

Ms. Wilfert: As an appointed person, you would sit on committees which would hear policy and, if there were complaints, decide whether or not the complaints were warranted and pursue them if they were, and to also be involved should the agency wish to—for instance, the controlled acts legislation.

Mr. Tascona: In 2001, the health professions advisory council released a review that called on appointments to these professional boards to be criteria-based. A number of health colleges have raised concerns about a lack of appropriate knowledge or willingness to make a necessary time commitment to the councils and their committees. I was wondering if I could get your comments on the matter of relevant qualifications and willingness to devote the necessary time to the board.

Ms. Wilfert: I certainly have the willingness to devote to this board. I am a supply teacher, and therefore I have as much time as is required to devote to this board.

As far as having past credentials, I have a great willingness to learn. I feel that it's an agency that I would be very interested in learning about, and I feel that I can bring to the table a great deal of my past experiences.

Mr. Tascona: Is there any compensation for being on this board?

Ms. Wilfert: I think it's a per diem of \$150.

Mr. Tascona: Do you get expenses too?

Ms. Wilfert: Yes, but I live very close.

Mr. Tascona: Where would you meet?

Ms. Wilfert: I believe you meet at Yonge and Finch, in their new building.

Mr. Tascona: So whenever they meet or if you have to do something for the council, you get \$150 a day.

Ms. Wilfert: Yes.

Mr. Tascona: How long is the appointment?

Ms. Wilfert: I believe it's three years.

Mr. Tascona: Those are all the questions I have.

Interjection.

The Chair: Yes, you still have about four minutes.

Ms. Scott: Thank you for appearing here before us today. I see that you originally were interested in the LHIN body. I know there are some changes coming forward in family health teams, community health centres. From your community point of view, what are some changes that you see could be made? There's a lot of reference that there's not enough consultation with dietitians. How do you see them fitting into the re-organization? I don't know if there are clinics that you're familiar with in your area. I know in my rural riding of Haliburton–Victoria–Brock, it's more of a challenge. Family health teams are just getting set up. But being a former nurse, there was never enough time spent on education, diet, health promotion etc. Can you comment on some changes that you'd like to see, whether dietitians become involved at certain health facilities or maybe things in your community that you could speak to?

Ms. Wilfert: As someone who hasn't actually been appointed yet, I would like more information, to hear both sides of the story and to assess, before I would make a judgment.

Ms. Scott: In the schools you have in your area, do they have breakfast programs, lunch programs?

Ms. Wilfert: Yes, they do.

Ms. Scott: I don't know who delivers them in your area. In our area there was a committee, and now it's gone to the school board, which actually delivers and contracts out. Do you have comments on whether you think those programs are sufficient? I don't know if they're in every school; they're not in every school in my area. But should they be in every school? Do you have any comments about their quality or their necessity?

Ms. Wilfert: I really don't. As far as, should it be in every school, I think it depends on the area whether it's warranted or not. As far as the quality, I'm not a dietitian, so it looks all right but I would not really be willing to make a statement.

Ms. Scott: You don't have any adjudicative experience, then, coming onto the board here?

Ms. Wilfert: My Hydro experience: I worked with staff on grievances and worked with the union.

Ms. Scott: Do you feel that you're going to be okay sitting on a body like this with the adjudicative experience that you do have?

Ms. Wilfert: Yes, I do.

Ms. Scott: All right. No further questions. Thank you very much.

The Chair: Ms. Wilfert, thank you very much for your presentation, your interest in the position and your responses to the members' questions. You may step down. You're welcome to stick around for the votes momentarily.

As I mentioned, I'm going to proceed with the concurrence motions. Then we can move on to other business, which contains at least two items.

First, we will now consider the intended appointment of Michael Gough. Mr. Gough is the intended appointee as member of the Ontario Lottery and Gaming Corp. board of directors.

Mr. Parsons: I would move concurrence.

The Chair: Mr. Parsons moves concurrence. Is there any discussion? Seeing none, all of those in favour? Opposed, if any? It is carried.

Mr. Gough, congratulations and best wishes on the OLG. Don't forget about Fort Erie.

Mr. Bisson: And don't forget about me.

The Chair: There you go—and Mr. Bisson and his bad luck.

We'll now consider the intended appointment of Elke Homs. Ms. Homs is the intended appointee as member of the Ontario Rental Housing Tribunal.

Mr. Parsons: I move concurrence.

The Chair: Mr. Parsons moves concurrence. Is there any discussion? Seeing none, all those in favour? Opposed? It is carried.

Ms. Homs, congratulations and best wishes at the Ontario Rental Housing Tribunal.

Third, we'll now consider the intended appointment of Elizabeth P. Wilfert, intended appointee as member of the council of the College of Dietitians of Ontario.

Mr. Bisson: A recorded vote on this one.

Mr. Parsons: I move concurrence.

The Chair: Mr. Parsons moves concurrence. Is there any discussion on that? Mr. Bisson has asked for a recorded vote.

Ayes

Berardinetti, Gravelle, Oraziotti, Parsons, Smith.

Nays

Bisson, Scott, Tascona.

The Chair: It is carried.

Ms. Wilfert, best wishes and congratulations on the appointment at the College of Dietitians of Ontario.

Mr. Bisson: Boy, it's a good thing there's a majority of Liberals on this committee. Wow.

COMMITTEE BUSINESS

The Chair: Folks, we'll now move to other business, as I discussed. The first item is a Chair's item. Last week, we entered into discussion about the intended appointment of Michael Lauber—a certificate that brought forward a nomination as a member. At that point in time, he was confirmed by the committee as a member. Subsequently, there appeared to be some confusion as to whether he was to be the chair or a member.

I will let members know that they should have in front of them today a letter signed by Premier McGuinty himself with respect to Mr. Lauber's appointment. This is a fresh certificate for R. Michael Lauber to be nominated as chair of the Smart Systems for Health Agency board of directors, dated March 1, 2006. This is a certificate that follows regular process. It is in order. That has now been produced through the Premier, and a copy should be at each member's place.

We can proceed from this point forward as with a regular certificate, this time as chair, for Mr. Lauber. I'll note for the record—I looked back at debate—that members did support, I believe unanimously, Mr. Lauber's appointment as a member of the committee. We can proceed from that point, but I'll ask the clerk to just give a brief background as to how we got to this point.

The Clerk of the Committee (Ms. Susan Sourial): Members will remember that Mr. Lauber was on the certificate dated December 2 and listed as a member of the Smart Systems for Health Agency board of directors. He was chosen by subcommittee members and appeared before committee on February 15. During the interview process, somebody noticed there was a discrepancy between the order-in-council certificate and the paperwork that the Public Appointments Secretariat had supplied, which is usually the resumé and the position description. The position description and resumé listed Mr. Lauber as being appointed as chair. The order-in-council certificate listed him as being appointed as member. The committee voted on concurrence based on the order-in-council certificate, which listed him as member. Further to my phone calls to Public Appointments Secretariat for clarification, they admitted there had been an error on the order-in-council certificate. It was a clerical error. It should have read "chair," and the appointment had gone through as chair. Public Appointments Secretariat yesterday issued an amended certificate, but still dated December 2, which meant, under our standing orders, that it had expired. So today they issued a new certificate dated today, and that will be sent out to the subcommittee members for their selection process.

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The Chair: Great. Thank you to the clerk. Are there any comments or questions about Mr. Lauber's new certificate as chair?

Mr. Bisson: If we want to call him, we'll call him; if we don't, we don't.

The Chair: Yes. It was viewed by the committee as a new certificate, so the usual process applies. As I said, my recollection was that members had agreed unanimously that Mr. Lauber was well suited for the position that was brought forward before. Members can decide whether they need to call him again or not. But there seemed to be support for him with the last certificate. Mr. Tascona?

Mr. Tascona: The government is saying this was a clerical error, but I just have to ask you: Was there or is there an opening with respect to the position that he was brought in front of us for? He was brought in front of us for the position of director. Was there an opening for the position of director?

The Chair: Member?

Mr. Tascona: Mr. Lauber. He came before us to become a director.

Mr. Gravelle: Member.

Mr. Tascona: Member—well, member, board of directors.

The Chair: Are you asking is there now a new member position opening up if he becomes the chair?

Mr. Tascona: Yes. I'm wondering what the sequence is here. Was it just strictly a clerical error and saying, "Well, you know, there was no member and we should have put down 'chair,'" or is there now an opening for a member, now that this chap is going to be made chair through this process? Do we know?

The Clerk of the Committee: I don't know. I can follow up with Public Appointments Secretariat.

The Chair: In my view, as Chair—and I do appreciate all the hard work that our clerk, Ms. Sourial, has done on this—I don't think there was any intention to slip something by the committee. I do believe it was a clerical error. I appreciate the appointments secretariat and the Premier responding to get us a fresh certificate today.

Mr. Tascona: I've got the Hansard on this that Susan was kind enough to provide us, and Mr. Lauber, throughout the transcript, was pretty clear that he was there for chair in response to questions. The Chair, Mr. Hudak, ended it off with—I'll quote the Hansard: "We have to follow the technical rules, and technically you were nominated by cabinet as a member of the committee. We understand the legislation then gives cabinet the ability to name who the chair would be among the members who are there. It sounds like it's very well the government's intention to appoint you to that position." Mr. Lauber says, "Thank you. This organization hasn't had a chair since October."

Just based on that comment made by the chair, do we have a role in this in terms of reviewing a chair position, because the chairman was saying that the legislation gives the cabinet the ability to name who the chair will be among the members who are there. I really don't know whether we have a role, based on what the chairman was saying, in terms of who can be the chairman. It would appear to me, based on what the chairman was saying, that you have a number of members who are part of the board of directors, and then the government makes a decision who the chair is. If that's the case, then why would they need a fresh certificate to come before us if we've already approved him to be a member? Is it in their purview, as opposed to ours?

The Chair: I'm not sure how this particular committee functions. My view, as the clerk had indicated earlier, was that we can only respond to certificates that come before us. It sounds like, by Mr. Lauber and what we've learned since, it was the government's intention to appoint him as chair from the beginning. They did send a certificate, however, to the committee that said "member." We voted on that, whether it be a member or not. Since then, we've been in communication with the appointments secretariat. We do have a fresh certificate, which I think reflects the government's original intention, which was to make him the chair of the committee.

Whether there's another opening for a member or not, I don't know. This committee has the right to interview Mr. Lauber again in the capacity as chair, but as I said

before, I reference the previous discussion where it seemed members were satisfied with his competence as a member.

Mr. Tascona: My only question is whether the government really needs to do this, whether they can do it through legislation as opposed to needing to name somebody to be the chair. Based on your comments, it would appear they didn't need to. The fact that they come back and say, "Oh, he's going to be the chair," obviously you have to be a member before you can become the chair. It's sort of like almost both; you're going to become a member and the chair at the same time.

Mr. Larry Johnston: It happens.

Mr. Tascona: It happens; I know. You'll have to deal with this, but it's a little confusing when the person comes here thinking he's one thing and we're dealing with something else.

The Chair: For sure. I think everybody finds it regrettable that the original certificate that was provided to the committee by the Public Appointments Secretariat did not say "chair"; it said "member." We can only vote on those that come before the committee. I am pleased, and appreciate the work our clerk has done in the communication with the secretariat, that we do have a fresh certificate on the table today.

Mr. Parsons: I want to reinforce what you said. As I'm sure all of you understand, the process of preparing the paperwork involves more than one individual, and there was what is a very rare breakdown in communications on this one. It was the government's intention that the original document should have said "chair." It is certainly not our intention to bypass the committee and remove the right to interview the candidate as chair. So it has been reissued and identified as "chair."

It was a breakdown. I regret that. It happens and, I'm sure, even in previous governments. It happens very seldom but it was a minor error, and so it is our intention that if the committee wishes, the candidate can be interviewed.

Mr. Tascona: I accept Mr. Parsons's apology. That's fine.

The Chair: Mr. Bisson.

Mr. Bisson: Two things very quickly. One is a follow-up on the point made by Mr. Tascona. Was there actually a vacancy for a board member when the appointment was made? I'd like to know the answer to that question, because if there wasn't, obviously there's something wrong with our committee that wouldn't have picked that up. So I want to know. When appointments are made, I take it we make sure there's an appointment that's vacant. Right, Susan?

The Clerk of the Committee: Our starting point is the order-in-council certificate. That's the only document I can go by, so I have no idea what happens in the process to lead to the order-in-council certificate.

Mr. Bisson: If I understand correctly, then technically we could end up in a situation where there's a certificate that comes before us for an appointment to a board on which there's no vacancy, and we wouldn't know.

The Clerk of the Committee: No.

Mr. Bisson: Well, that's a problem.

The Chair: There is, however, the Public Appointments Secretariat, right, for the full-time, that is supposed to be responsible to ensure that there's an opening there. That's more or less their job, not ours.

Mr. Bisson: No, no. I hear you. Anyway, I think you know where I will go with that one, but I'm not going to get into that debate today. Can you double-check from research to see in fact if there was a vacancy? I'm just kind of curious.

Mr. Johnston: Yes.

Mr. Bisson: The other thing is, has this particular appointee been acting as chair since the appointment?

The Clerk of the Committee: I don't know the answer to that. I know the appointment went through. Whether he has started his position or not, I don't know.

Mr. Bisson: I'd like to also know if he's been acting as chair. Do you have the answer, Mr. Parsons?

Mr. Parsons: He has not been acting as chair. In fact, there is some urgency for this organization to get moving, but they are at the present time still waiting for—

Mr. Bisson: There's a vice-chair there, I take it? There's a vice-chair, like most other commissions, who's acting as chair?

Mr. Parsons: I can't say with certainty, but the information I've been given is that the board is very anxious to have a chair there. They want that leadership person to be—

Mr. Bisson: Can I have research get back to me on those two points: Has he been acting as chair since the appointment, and was there a vacancy for a member when we did the appointment?

The Chair: Absolutely.

Mr. Bisson: Any other business?

The Chair: I'll conclude that issue then. The certificate has been produced. We appreciate that.

Other business, Mr. Parsons?

Mr. Parsons: No; it's been resolved. Thank you.

The Chair: Any other business?

Mr. Bisson: I'll just follow up from a short conversation we had in the House and a quick one we had at the end of the last meeting, and that is to set up a subcommittee meeting date so we can talk about maybe each of the parties selecting an agency that we may want to review possibly this summer or when this committee has some time. I'm just wondering if you have any report back to us on that, Chair.

The Chair: Thank you for reminding me, Monsieur Bisson. This is part of my concluding comments. I am going to call a subcommittee meeting for Tuesday, March 28, the second day that the House resumes.

Mr. Bisson: Tuesday, March 28?

The Chair: March 28. As members know, this committee does have the ability to call for review agencies,

boards or commissions themselves. There was some discussion among House leaders that I caught up with yesterday. So we will discuss that and how we could move forward on Tuesday, March 28. I'll have the clerk contact the members of the subcommittee for a good meeting time.

The clerk and the research department have done a paper on how this has worked in the past for members' consideration. We could follow that process or we could move forward with a new process; we could work that out at subcommittee.

Mr. Bisson: What time?

The Chair: I haven't set a time. I'll have the clerk call around to the three members of the subcommittee and see what we can do. But I thought March 28; that way—

Mr. Bisson: Can I just keep it simple? If we can do it right after QP, that would be fine by me.

The Chair: Okay. We'll call around to make sure that it's suitable.

Mr. Bisson: I'm just saving you time right now.

The Chair: I appreciate it.

Mr. Bisson: I know Susan is very busy, and if we can help her out and make her job simpler, this is what we can do.

The Chair: We will take Mr. Bisson's advice and we will see if the other subcommittee members are available after question period on Tuesday, March 28.

Our next regularly scheduled meeting is Wednesday, March 29, at the same time. There will be a difference, however. Our clerk, Susan Sourial, is moving on. She has been drafted to serve in another committee. We do appreciate her efforts, her hard work at the standing committee on government agencies. For the record, she will be greatly missed. We made her last day and last week very exciting with respect to the most recent Lauber certificate story, so I do want to—Mr. Bisson?

Mr. Bisson: A question—first of all, I wish you well. Where are you going, and who's taking your place?

The Clerk of the Committee: I'm still with committees, just going to two different committees.

Mr. Bisson: I know. What committees are you going to?

The Clerk of the Committee: General government and regulations and private bills. Tonia Grannum will be clerk for government agencies.

The Chair: There you go. So on behalf of the committee, I thank Susan for all of her efforts. She will be missed.

Mr. Gravelle: Absolutely.

The Chair: We'll still see her around, just not sitting to my right-hand side. Thank you, Susan.

Folks, thanks very much. We are adjourned until March 29.

The committee adjourned at 1124.

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