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Wednesday 10 May 2006

Journal des débats (Hansard)

Mercredi 10 mai 2006

**Standing committee on
government agencies**

Intended appointments

**Comité permanent des
organismes gouvernementaux**

Nominations prévues

Chair: Tim Hudak
Clerk: Tonia Grannum

Président : Tim Hudak
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Wednesday 10 May 2006

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The committee met at 1002 in room 151.

SUBCOMMITTEE REPORTS

The Chair (Mr. Tim Hudak): Good morning, folks. I'm going to call to order the standing committee on government agencies for our regular meeting of Wednesday, May 10, 2006. Welcome. We are going to begin with the subcommittee reports. First order of business is the report of the subcommittee on committee business, dated April 20, 2006.

Mr. Ernie Parsons (Prince Edward–Hastings): I'm not in my chair, but I move adoption.

The Chair: You're close enough to your chair for it to count. Any debate on the subcommittee report? Seeing none, all in favour?

Mr. Jim Wilson (Simcoe–Grey): Which one are you doing?

The Chair: Good question. April 20, 2006. It's the first one, which basically says the intended certificates were received and selected for review.

Mr. Wilson: Mr. Chair, it was my understanding, because I'm not a regular member of this committee, that you were going to do subcommittees at the end when our regular member is here.

The Chair: You know what? Thank you, and I do want to welcome Mr. Wilson and Mr. Hoy, Mr. Zimmer, an occasional guest star and, of course, our three regular panellists. Welcome. Everybody's looking great today, by the way.

Mr. David Zimmer (Willowdale): I'm pretending to be Mr. Wilkinson.

The Chair: You're Mr. Wilkinson today? Okay, fair enough. Mr. Bisson and Ms. Scott are both on another committee, so they're going to be coming back. I did talk to both of them before committee. They came in and approached me. I'm going to move the agency selections and other business to the end of the intended appointments, which is what we tend to do in this committee, I think it's the best way of doing it, so that we do our interviews close to the time allotted.

The subcommittee business, in my view, is a routine matter, and neither Mr. Bisson nor Ms. Scott had any concerns about the subcommittee reports that were expressed to me, so I'm going to proceed with those. Any other debate on the subcommittee? All in favour? Opposed, if any? It is carried.

The next order of business is the report of the subcommittee on committee business, dated Thursday, April 27, 2006.

Mr. Parsons: I move adoption.

The Chair: Mr. Parsons moves adoption. Any debate on this subcommittee report? Seeing none, all in favour? Opposed, if any? Carried.

Third report of the subcommittee on committee business, dated May 4, 2006.

Mr. Parsons: I move adoption.

The Chair: Mr. Parsons moves its adoption. Is there any discussion? I'll put the motion. All in favour? Opposed, if any? It is carried.

Thanks, folks. As I indicated, we will discuss agency selections after our intended appointments, as well as other business.

INTENDED APPOINTMENTS

WILLIAM RUPERT

Review of intended appointment, selected by official opposition party: William Rupert, intended appointee as member, Ontario Energy Board.

The Chair: We'll now move to agenda item number 5, which is our appointments review. Our first interview is with William Rupert. Mr. Rupert, welcome. Please take a seat there at the committee table. Mr. Rupert is an intended appointee as a member of the Ontario Energy Board. If you want to pour yourself a glass of water or juice or coffee, please go ahead. The way the committee operates is that you're welcome to make opening comments about your background and your interest in the position on the Ontario Energy Board. Then we use a rotation method for any questions or comments from committee members.

Today's rotation is to begin with the third party. However, Mr. Bisson was pulled away to another committee, so it will go to the government for the first round of questions.

Mr. Rupert, the floor is yours, sir. Welcome.

Mr. William Rupert: Thank you, Mr. Chair. I'm pleased to be here today to respond to questions from the committee.

I do have a few, brief opening comments on my background and experience. I'm honoured to be considered to be a member of the Ontario Energy Board. This is, to say the least, an interesting and challenging time in the sector

in Ontario. Given my skills and background in the energy sector, I believe I will be able to make an effective contribution as the board carries out its important work.

My experience in the power and natural gas industries really comes from three sources: my accounting and business advisory work during my period as a partner at Ernst & Young; my five years as a member of the technical panel of the Independent Market Operator, or IMO, now known as the IESO; and my role as managing director of regulatory policy development at the Ontario Energy Board from mid-2004 to December 2005.

I'm originally from Peterborough, where I attended Trent University and received my undergrad degree. I later received an MBA from McMaster. In 1975, I joined the audit and accounting practice of Clarkson Gordon, which later changed its name to Ernst & Young, where I qualified as a chartered accountant. Except for two years in the 1980s, when I worked in the United States for the Financial Accounting Standards Board, I then spent the next 29 years at Ernst & Young, 19 of those years as a partner.

I had many roles at E&Y over the years: as an auditor, a technical accounting expert in the firm's national office, leader of the capital markets practice of the firm, and a senior partner in the business advisory practice specializing in risk management and energy.

Drawing on my earlier experience with risk management and hedging issues at financial institutions and mining companies, in the 1990s I started to actively work with energy firms to analyze, understand and manage the risks that went along with deregulated or restructured energy markets. I did a lot of work in that area, both in Ontario and other parts of Canada and the United States. As well, I advised energy clients on a broad range of other issues, including business process design, internal controls, accounting policies and financial due diligence on proposed acquisitions and so on.

A list of my energy sector assignments while I was at Ernst & Young is attached to my CV, which I believe you might have.

In 1999, I was named as the financial sector member of the technical panel of the IESO. The technical panel is a 12-member panel that reports to the IESO's board of directors and is charged with developing new or amended rules for the wholesale power market in Ontario.

I remained on the panel for five years, until June 2004, when I had to resign after accepting the position of managing director, regulatory policy, at the OEB. I left the technical panel after five years with an in-depth knowledge of the wholesale power markets in Ontario and a knowledge of all the players in the market. As well, for a non-engineer at least, I think I gained a decent understanding of how the power grid in Ontario operates.

I moved to the OEB in July 2004 as managing director of regulatory policy development. In that role I was a member of the organization's senior management team and its executive committee. The regulatory policy development group that I led included over a dozen staff responsible for quite a variety of things, including de-

veloping regulatory policy options for consideration by the board; developing or amending OEB codes and rules that govern the activities of licensed entities; carrying out research on emerging issues in Ontario and elsewhere; and liaising with regulators and other organizations outside Ontario. The work required industry and technical knowledge, of course, but equally important, it required considerable consultation and interaction with the various stakeholder groups in this province, including consumer groups.

For the year and a half I was at the OEB, the regulatory policy group took the lead on many significant and often complex issues. One of our most important assignments was the design and implementation of the regulated price plan for low-volume and designated consumers that took effect last April 1, 2005, and recently had new prices, just a couple of weeks ago. We also took the lead in our team on developing the response to the Minister of Energy's July 2004 directive on smart meters.

I left the OEB in December last year to take a break, do some travelling and think about what I wanted to do for the next part of my career. When I left the board I had no contemplation of returning as a board member, or even returning to the OEB for that matter, but as I considered this opportunity, I realized that this is a very interesting and challenging job, one that I would really like to do.

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I do not have any experience as an adjudicator, but I think I can do a good job as a board member given my knowledge of the sectors here in Ontario—gas and power; my experience with a lot of stakeholder groups in the industry through my work at the technical panel and at the OEB; my finance and accounting background, which I think is very relevant for an economic regulator; my familiarity with and great respect for the OEB's role, its board and staff and its structure and processes; and I think from my days at Ernst & Young and also my days at the OEB, I do have a lot of experience with making decisions on complex and contentious issues that are in the public interest.

So I'm pleased to be here today, and it would be an honour to be a member of the OEB.

The Chair: Mr. Rupert, thank you very much for your opening comments and information about your background. As I mentioned, rotation would have begun with the third party, but Mr. Bisson was unfortunately called away to other committee business. Government members, it's your turn.

Mr. Parsons: For a non-engineer, you've done good. We have no questions. We're more than impressed with the qualifications.

The Chair: There you go; you're on a roll here. You have four votes, anyway.

Mr. Wilson, it is your turn now.

Mr. Wilson: Yes, I think you're probably better qualified than any minister, and I'm the former Minister of Energy who started all this. So it is difficult to ask you questions, but I will ask, how did you become the managing director? Did you apply for that job originally?

Mr. Rupert: I was originally approached some time earlier in 2004 by Howard Wetston, the chair of the OEB, as he was undertaking and about to start the whole search process. He spoke to me and indicated he would like me to submit an application. So I thought about it and decided I would throw my hat in the ring.

Mr. Wilson: And the technical panel? How did you come to be on that? I was wondering if I had appointed you, given the time frame that you were on there. But I didn't appoint the members of the technical panel, just the IMO.

Mr. Rupert: I believe you may be right. I think the minister had to approve them.

Mr. Wilson: I think I rubber-stamped it, yes.

Mr. Rupert: On the technical panel, I'm not quite sure how my name got on to the list of candidates there. I was contacted by the management of the ISO as they were looking at two or three candidates. I went through a process and they selected me.

Mr. Wilson: I'm just wondering, in terms of your understanding of the relationship between the minister or the government and the OEB, do you want to comment on that?

Mr. Rupert: I think very clearly the minister or the government sets the energy policy in the province. It's not the OEB's role to set policy, but the OEB will advise, if asked by the minister for advice on issues. But the OEB's role is very much one of—it's got its legislated mandate, as you know, very clearly in the legislation as to what its obligations, duties and roles are. It sticks very much to that and trying to do that as efficiently and practically as possible, and also with enough foresight. One of the things the board spent a lot of time on was looking ahead at what's coming down the pike. But I think the roles are very clear. There's probably a legislated reporting relationship somehow between the minister and the chair, but I think the OEB really operates as a quasi-judicial, independent tribunal.

Mr. Wilson: Along that line, given the upward pressure on electricity prices, for example, if the government was to give strong hints to their political appointees on the board that you should keep prices low or artificially low, how would you respond to that?

Mr. Rupert: I think there's no way that can be done under the construct we have today. The legislation and the way the pricing is to be set for the low-volume and designated consumers very clearly is that the price is to be set to collect the full prices charged by generators. There are a lot of technical details in how that works and variance accounts and so on, but the price is not something that the OEB dreams up or decides, "This is a good price." There's a lot of work behind what it's going to cost: what the generators are going to charge for the next year; what the weather is going to be; what the demand is going to be. Out of that falls the price, and the price is what it is.

Mr. Wilson: Have you had any problems in the past or any thoughts about the accuracy of the forecasting of the OEB, particularly with gas prices?

Mr. Rupert: No, I don't have problems. It's not a surprise to me at all that last year the prices that were set were lower than actual, given the summer we had, of course, with all those days over 30 degrees centigrade. Gas prices started to spike and then there wasn't as much water last year as there traditionally is for the lower-cost hydro plants. So I wasn't surprised at all—I don't think anyone should be surprised—that the prices we set came in lower than actual. In fact, if I recall, I think we were about—the amount that gets added in to this year's price to take care of last year's variance was about 10% of the prices we set, more or less. We had a pretty extreme year last year, as you know.

The forecast is a tremendous piece of work. I'm quite impressed with it. There are a lot of documents on the website, for those who want to look at the details, the assumptions, the background and so on, but forecasts are forecasts; invariably, they'll be wrong one way or another. The job at the OEB is to make it as objective with as many references to public sources as possible so that the public and the stakeholders can understand how we got to the price.

Mr. Wilson: This is probably an unfair question and you don't have to answer it, but do you think we'll ever have true competitive markets in electricity in this province, or anywhere?

Mr. Rupert: I don't know about how far you go with "true." I would like and I think the direction over time would be that we can get more competition, more markets in here. We're not there today, for a lot of reasons, and we can't change where we are; we have to work out of where we're at. However, I do think that there are a lot of benefits in the long run to having more of the risk taken on by private sector firms and having more choices for consumers, but that's some ways away. We've got a hybrid system now, and the direction is to try and move out of that, but it'll take some time. As well, as you know, in the other jurisdictions in North America, this has not been an easy ride either.

Mr. Wilson: No. I wish they'd told me that before I started.

One of the concerns I had—and I'm probably doing the government a favour by asking this—but the backlog at the OEB used to be quite a concern. I'm not sure what it is there now. Perhaps you can comment on it. We had one fellow take a year and a half to hear a very simple rate application from an MAU, for example. It got to be a little ridiculous there at one time. Do you want to comment on the work ethic there?

Mr. Rupert: Things are moving much more efficiently and I think they will continue to move that way. One of the things that you will know well is that when Bill 210 was introduced, aside from commodity pricing, it also removed the ability to set distribution rates from the OEB for a period of time. It meant that in 2004 and coming in 2005—and it's just been wrapped up recently—the board had to deal with rates of distributors that hadn't been touched for a long time—some 90 distributors. It was a huge amount of work, which has just been completed pretty much. That's one thing that

will make life a bit easier for the board going forward if that's out of the way.

The other thing that was introduced when I was there—and this really comes in another part of the board that I did not lead—the board has now published standards for its work on hearings: How long should a hearing take? How long should we take before getting back to an applicant with an answer on how things are going to proceed? There are performance measures in place, and they're being tracked and publicly reported on. That's a tremendous way to get efficiencies: to have standards that are publicly released and that we track and report to the public on our performance.

Mr. Wilson: An interesting question that our researcher came up with here was if you had any opinions on other means the board might take to protect the interests of consumers and suppliers—he's talking about RPP—such as requiring more frequent review and re-setting of rates for the use of earnings-sharing mechanisms.

Mr. Rupert: I don't think the earnings-sharing mechanism is going to work, because the distributors who charge this price to the consumers who are covered by it don't make any money on it. So they just pay the amount to the IESO and charge the consumers.

When the RPP was designed last year, one of the points that was debated at length in the working groups that were set up to help us work out the details was the frequency of setting the price. As you know, in gas, it's reset quarterly. There's a lot of sympathy for quarterly resets, but one of the problems at the time that was identified—and it's a serious practical problem—is that many of the distributors continue to bill large parts of their customer base every two months. If we're going to start changing the price every three months with a two-month billing cycle, it was a great concern that consumers would be very confused by this constant change of prices. So this year it's going down to six months. Last year, for the first year, it was one year. Most people would agree that's too long, but that was the first year of the program. This year, it's six months. When time-of-use meters are more prevalent in the province and we can have automated meter reading, it would be a good idea to change it, to reduce the frequency. Right now, six months is what the industry can handle practically.

Mr. Wilson: Thank you very much.

The Chair: That does conclude the time. Mr. Rupert, thank you very much for your attendance and your response to the members' inquiries. You're welcome to stay too. We have one more intended appointee and then we proceed to our concurrence votes. You may want to stick around for that. Thank you for your time, sir.

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KUNJANA BAHL-KHURANA

Review of intended appointment, selected by third party: Kunjana Bahl-Khurana, intended appointee as member, Social Benefits Tribunal.

The Chair: Our next intended appointee is Kunjana Bahl-Khurana. Welcome to our committee. Please grab a seat and make yourself comfortable. Thank you for your attendance. You've been here to see a little bit of it, so you know you're welcome to make some opening comments about your interest as an intended appointee as a member of the Social Benefits Tribunal and any background that you wish to share with the committee members. Then we'll have a rotation for questions. Since the government started the last time in Mr. Bisson's absence, we'll start with the official opposition. Ms. Bahl-Khurana, the floor is yours.

Ms. Kunjana Bahl-Khurana: First of all, I'd like to start off by saying thank you, Mr. Chairman and members of the committee, for giving me this opportunity to appear before you with respect to my intended appointment to the Social Benefits Tribunal. Sorry, I'm a little bit nervous. It's a little nerve-racking being here. I would like to take a few moments to tell you a little bit about myself and then I'll be more than pleased to answer any questions you may have.

I received my bachelor of business management from Ryerson University in 1997, and then I went on to achieve my certified management accounting designation in 1999. My professional work experience over the last 11 years has been in large multinational corporations such as State Street Fund Services, IBM Canada and CIBC, where I have held various finance and accounting roles.

The skills I have attained through my education and my work experience have not strictly been balancing the books and making journal entries. Finance and accounting involve ethics, integrity, impartiality, adhering to and interpreting the rules, negotiating between parties and, most importantly, educating non-finance and -accounting individuals and ensuring that they are able to understand the rules and the application of these rules. These are all transferable skills that I will be bringing to this appointment.

Between 2004 and 2005, I set up and ran my husband's optometric practice. He's a great doctor, but he doesn't quite have the business background needed to start up a new business. Once the practice was off the ground, I decided to find a full-time job again. The lessons I learned from running a small business are too numerous to name, but the most important one is how vulnerable one is when you don't have a safety net.

To help you understand why I am interested in this particular agency and this role, I'd like to tell you something that you won't see on my resumé. I was born in India and I was raised in Africa. My family moved to Canada in 1989, and I've been proud to call Canada my home since then. I studied in England while I was in university. After experiencing life on four different continents, I wouldn't trade my life here in Canada for anything in the world. I also realize that despite being part of the First World, we have far too many people in our country who are unable to provide basic necessities for their families. In Canada, we are lucky to have social

assistance programs available for these people who need our support.

I had been considering a change in my career path that would allow me to use my education and skills to contribute to our general community. I started researching federal and provincial government websites and found my way to the Public Appointments Secretariat website. I chose to apply to the Social Benefits Tribunal because that is where I thought I would most be able to make a difference and best apply my skill sets and my education. I was invited to appear before a panel interview in February, and last month I was contacted and asked to appear before this committee.

I bring with me excellent communication skills, an eagerness to learn, a willingness to contribute, resourcefulness and attention to detail, an aptitude for negotiation, fairness, accountability and, most importantly, integrity. I'd be happy to answer any questions you may have.

The Chair: Thank you very much, Ms. Bahl-Khurana. We're starting with the official opposition, as I recall.

Mr. Wilson: Thank you very much. You do seem very qualified. And don't be nervous. We're all walking nervous breakdowns around here, but there's no reason why the witnesses should be.

You've had some pretty good financial positions in the past, and responsible positions. Are you aware of the pay situation on this board?

Ms. Bahl-Khurana: Yes, I am. It's just a little under \$69,000.

Mr. Wilson: And you must be comfortable with that.

Since you've been in Canada, have you had any political affiliations?

Ms. Bahl-Khurana: No, I have not.

Mr. Wilson: A clean record, then?

Ms. Bahl-Khurana: Yes, pretty much.

Mr. Gilles Bisson (Timmins–James Bay): In all my years, I've never heard that question.

Mr. Wilson: Peter Kormos used to ask that question all the time, actually. There's a conspiracy under every stone when you're in opposition.

In terms of your understanding of the board, first of all, you expressed some sympathy for people who need assistance. We've had boards in the past that are very small-L liberal in terms of being very sympathetic and we've had other boards that have been very small-C conservative in being pretty tight-fisted in terms of granting people's appeals. Where do you think you fall in the spectrum and how would you place yourself in terms of adjudicating?

Interjection.

Mr. Wilson: No, because we have seen boards—under your government, for example, in the NDP—that were very liberal on social assistance. We had one in 10 Ontarians on social assistance and almost no one lost an appeal. We came in and tried to bring a balance. Do you want to comment on what you think the role is there?

Ms. Bahl-Khurana: I think the role of an adjudicator is to ensure that the appellant before me is legally entitled to social assistance, is deserving and has met all the

qualifications that are set out in the legislation. If this person's application has previously been denied, then it would be up to the adjudicator to look into the background and the details set forth before them to determine, is this person qualified or not? You've got to maintain the integrity of the system. If this person is qualified and something was missed previously, then yes, this person should be granted social assistance. If the person before me is not legally qualified and does not meet all the criteria, then that needs to be explained to the person. You have to maintain the integrity of the system so that somebody else down the road who deserves assistance can get it.

Mr. Wilson: You're required to write your own quasi-judicial decisions, with a bit of help from staff. Have you had any experience with that type of writing?

Ms. Bahl-Khurana: I have had to write all my own reporting in all my roles, so all of my financial reporting, monthly reporting and quarterly reporting. I'm currently with CIBC Wood Gundy, so I did my year-end reporting and analysis myself, and part of it was basically cut-and-pasted and put into the Globe and Mail.

Mr. Wilson: So you're published.

Ms. Bahl-Khurana: Well, it wasn't published under my name.

Mr. Wilson: Many Ontarians have strong views about the level of social assistance and welfare rates currently provided in the province. Do you have any thoughts or biases one way or the other?

Ms. Bahl-Khurana: I do not know enough about it to form an opinion, and as an adjudicator, it wouldn't be my place to form an opinion as to whether or not those rates need to be changed.

The Chair: To the third party. Mr. Bisson.

Mr. Bisson: I want to follow up on those questions. Do you think the system is fair?

Ms. Bahl-Khurana: The system is fair in the sense that people need assistance—

Mr. Bisson: No, my question is about the level of assistance. Do you think it's fair?

Ms. Bahl-Khurana: I do not know the system well enough to make that judgment, I'm afraid.

Mr. Bisson: Do you know people who happen to survive on social assistance?

Ms. Bahl-Khurana: I'm afraid not. Mind you, I have been unemployed for a full year, so I know how hard it is to make ends meet when you don't have income.

Mr. Bisson: Let me give you an example. One of the issues we deal with in our constituency offices, and I'm sure it's the same with others, is this whole issue of food allowances. There is a provision in the welfare act that allows a doctor—if the person needs a special diet for whatever medical reason, the administrator of the welfare system can provide that special diet, which in some cases is as much as a couple of hundred dollars a month. There's been a real clamping down on that, to the detriment of individuals. Do you think that's fair?

Ms. Bahl-Khurana: Personally? No, I don't. I think that people should be provided with basic necessities, as per what they need individually.

Mr. Bisson: You said in your answer to Mr. Wilson—I don't remember exactly how you put it, but it was more or less along the lines that if people are deserving and they meet the rules, then they should get it. What do you mean by that? That kind of intrigued me. What do you mean by "deserving"? That people are deserving of what?

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Ms. Bahl-Khurana: There are criteria set out in the legislation as to who can apply for social assistance. If somebody meets that criteria, then yes, they are deserving.

Mr. Bisson: What happens if you have somebody come before you and there's a bit of grey? Because that's normally what goes before you. I want to get a sense of where you're at. It comes back to his point that there are some who tend to be fairly conservative in their approach to awards and others tend to be a little bit more—I wouldn't say "liberal" because I don't like that word, being a New Democrat; anyway, that's for another time—easy in giving the award. Where would you fall? If somebody comes before you and you see that the person is in a tight spot, and the rules are somewhat ambiguous, do you think, "I'm going to save the government some money," or do you think, "This person is in need, so therefore I should take that into consideration"?

Ms. Bahl-Khurana: Personally, I'd probably take that into consideration. However, I haven't got my training yet, so I'm just giving you my personal opinion.

Mr. Bisson: I just warn you, because it struck me. He's right; we win all our appeals. The reason we win our appeals is because the administrators make some bad decisions. Constituency offices or legal clinics or others don't go to the tribunal frivolously; they go because they have somebody who is deserving of something that had not been awarded; an administrator somewhere made a decision. We go there to enforce the rules. I want to make sure that your goal in all of this is not to save the government money but to make sure that the system works well. If somebody is in a situation where they're entitled to something and they're not getting it, I want to have a fairly good sense that we're going to have somebody there who understands that the system is there to provide to people who are less fortunate than us. If that means the government has got to spend money, so be it.

Ms. Bahl-Khurana: Mr. Bisson, just to answer you and to put your concerns at rest, seeing that I've lived on four different continents, I do not accept poverty. I can understand that there will be poverty in a Third World nation, simply because that nation does not have the resources to provide for its people. I definitely do not accept poverty in Canada.

That being said, I understand that there are extenuating circumstances. My personal reason for applying for this is that I've spent the last 11 years of my professional

life working in multi-billion dollar corporations, helping them make more money, and that's not personally satisfying for me anymore. I want to do more; I want to be able to contribute to the community. That means helping people. So yes, if somebody comes before me and is deserving, needs a break, and the rules are a bit ambiguous, I'd probably err on their side.

Mr. Bisson: What do you mean that you "don't accept poverty"? I think I know what you mean, but can you explain it, that in Canada you don't accept poverty?

Ms. Bahl-Khurana: We're a First World nation. We have the resources in our land, in our country. Everybody in this country should be able to provide basic needs to their family. That means food, shelter, education, clothing.

Mr. Bisson: The social assistance system is there for those who are, for whatever reason, without means of earning income or qualifying for EI. My observations over the last 16 years, being a member and working in this field before, is that you can take two people and put them in exactly the same circumstance and they're going to come out differently. You get some tragic news: You lose your job, your child has died, you're separating, whatever it might be. Two individuals with the same background—one person picks up by the bootstraps and moves ahead, moves on with their life; the other person falls apart. It's just the way it is.

You're going to a tribunal that we do a lot of work with. I want to know that you clearly understand that people who are on social assistance are not there, by and large, because they want to be there; they're there because something has happened in their lives that prevents them from dealing with the reality of life and sometimes need a bit of a bridge to get by. So when you say you don't accept poverty, let's understand, people on social assistance are not there because they choose to be poor; they're there because there's some condition in their life: It could be mental illness, it could be alcoholism, it could be family physical abuse, it could be sexual abuse; it could be a whole bunch of reasons why people find themselves there. I just want to make sure that when you say you don't accept poverty, we're talking about the same thing here. We'd love to have everybody rich, but it doesn't happen.

Ms. Bahl-Khurana: No, I'm not saying everybody should be rich, but in the ideal world, everybody should be able to have basic necessities. When I say that I don't accept poverty, what I'm trying to say is that people who come forth and ask for social assistance—that takes a lot of guts. It takes a lot of courage to stand up and say, "Could you please help me?" If somebody has the courage to come in front of me and say, "Could you please help?" then yes, I will do whatever I have to to help. That is why I've applied for this.

Mr. Bisson: I'm going to close on this, just the typical—I've got to meet with somebody on Friday in my constituency office, as we all do. I've got a whack of meetings. But one particular one I'm meeting with is a young women who, like you, had her life together.

Everything was going wonderful, she had the brass rail, she was moving ahead. Then she got sick. She falls between having to apply for ODSP—which we all know is going to be denied, because that’s what they do; they deny everybody who applies to ODSP. We’re going to have to go to a hearing to win her ODSP, which is going to take eight to 12 months to happen. This woman basically has to live off her family to survive, because all the welfare system gives her is \$200 a month. She’s saying to me, “I don’t want to be here. What the hell’s going on? All I know is that I’m sick, I have to travel to Ottawa every week or two for illness”—she has a particular type of cancer, and her whole life has fallen apart. She just can’t deal with it.

Those are the people we deal with, often. It’s very frustrating to have to look those constituents square in the eye, as we all do, and they say to us, “Why is the system so unfair?” Just keep that in mind when you go to the board. That’s all I ask. And when I bring that hearing before you, I look forward to talking to you. We’ll see you at the tribunal.

Ms. Bahl-Khurana: I’ll look forward to that.

Mr. Wilson: Hey, that’s undue influence.

Mr. Bisson: Damned right it is. I’m there for my constituents, as you are, sir.

The Chair: Mr. Bisson, thank you very much. To the government side.

Mr. Parsons: This is unusual. I suspect that at the discretion of the Chair—we’d like to use our time to ask Jim a few questions.

The Chair: You have 10 minutes.

Mr. Parsons: We have no questions. Thank you.

The Chair: Are you guys good? Okay. Thank you very much.

Ms. Bahl-Khurana, thank you very much for your presentation and your responses to questions. You’re welcome to stick around. We’re now going to proceed with our concurrence votes. You’ll see democracy in action and see how much you’ve impressed the committee members.

Ms. Bahl-Khurana: All right; that would be great. Thank you.

The Chair: Folks, we’ll now move to concurrence votes, and then we’ll move to the other items on the agenda. We will do them in the order in which they appeared.

Our first concurrence vote is for William Rupert, the intended appointee as member of the Ontario Energy Board. I need a concurrence motion.

Mr. Parsons: I move concurrence.

The Chair: Mr. Parsons moves concurrence. Is there any debate on Mr. Rupert’s intended appointment? Seeing none, I’ll put the question. All in favour? Any opposed? Mr. Rupert, congratulations and best wishes at the Ontario Energy Board.

We will now consider the intended appointment of Kunjana Bahl-Khurana, intended appointee as member of the Social Benefits Tribunal.

Mr. Parsons: Again I move concurrence.

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

Ms. Bahl-Khurana, congratulations on your appointment and best wishes on the Social Benefits Tribunal.

Thank you both for sticking around. That’s the first time we’ve had everyone, 100%, stay for the votes. We thank you.

COMMITTEE BUSINESS

The Chair: We will now revert to item number 3 on our agenda, which is the agency selections. All members had been notified that we would ask each of the three parties to submit their preferred agencies. We will move to that at this time. This is the first time this has happened in about 10 years or so, so we’re flying without a road map. I will begin, continuing the rotation, this time with the third party.

Mr. Bisson: The Ontario Power Authority.

The Chair: Do you have a second one you want to do now? Or you can do the second one later.

Mr. Bisson: We’ll do them in rotation.

The Chair: All right. It’s like a football draft. The Ontario Power Authority is the first draft choice.

To the government side.

Mr. Parsons: I need to know what card Laurie has. The Liquor Control Board of Ontario.

The Chair: The LCBO.

Mr. Bisson: I move that we go visit.

Mr. Parsons: The warehouse, at night.

The Chair: The official opposition?

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Ms. Laurie Scott (Haliburton–Victoria–Brock): The Ontario Lottery and Gaming Corp.

The Chair: OLG, the Ontario Lottery and Gaming Corp.

These are the first preferences of each of the parties, so they’ll be the first three we do.

Mr. Parsons: A question, Chair: Is it the wish of the committee that we each select two at this stage? Because the second round of agencies that we review will be six months, eight months from now. Do we want to do both now, or do we want to do one each and then—

The Chair: My preference, in terms of our organization and getting out the questionnaires and such, is to nominate them at this point in time.

Mr. Parsons: That’s fine.

Mr. Bisson: When doing our picks, I wasn’t thinking about what order; I was just giving you my two. We may want to do it the other way around, if that’s fine.

Mr. Parsons: That’s fine.

Mr. Bisson: Let’s agree on who it is and then we’ll let you know in the House which we want to go first, and then away we go.

The Chair: Fair enough. You let me know today, and then I’ll communicate it to the clerk.

Mr. Bisson: I’ll let you know today. I just want to check with our people.

The Chair: Your other option, Mr. Bisson?

Mr. Bisson: I am looking forward to reviewing the Electrical Safety Authority with great anticipation. You can pass that on to the people at the ESA. They'll know what I mean. Send them the Hansard.

The Chair: Thank you, Mr. Bisson. Government members?

Mr. Parsons: The Health Professions Appeal and Review Board.

The Chair: Boy, these are solid draft choices here today. It will be very interesting.

Mr. Parsons: We wanted the PC caucus service bureau, but there was a technical problem there.

The Chair: We'd have questions ourselves, probably. The official opposition?

Ms. Scott: The Workers' Safety and Insurance Board.

The Chair: The WSIB. Very good.

I will repeat the committee's six choices: the Ontario Power Authority, the LCBO, the Ontario Lottery and Gaming Corp., the Electrical Safety Authority, the Health Professions Appeal and Review Board, and the WSIB, Workplace Safety and Insurance Board.

I would ask each of the members of the subcommittee to identify their first preference today, and I'll let the clerk know.

Secondly, there is a draft questionnaire that has been constructed by the clerk and research. Again, this is the first time this has happened in 10 years. It's based on what appears to have been the tradition at that point in time. This is a draft. I'd like all members to take the time to review the questionnaire, and if you could make submissions back to the clerk in time for our next regular meeting—I will get to that momentarily. Then, of course, this questionnaire will be sent out well in advance to the nominees so they have time to fill it out.

Mr. Bisson: Hold it a sec. Hang on. Am I reading this right? The first question I have to answer is, "Under what authority (i.e. statute, order in council or letters patent) was the agency established?" You want me to answer that? Come on. Is this a test?

The Chair: No, no. I'm sorry. Maybe I wasn't clear. The intention is that this questionnaire—again, this is a draft—would be sent to the agencies being requested to come forward.

Mr. Bisson: Any other questions we want to put on.

The Chair: Yes. This is a draft. It has been about a decade since this was done, so we won't have it perfect the first time around, despite the excellent quality of the individuals working on it. This is to be sent out a couple of months in advance—that's what we're aiming for—to the agencies, and then the responses would be supplied to the members to help give informed discussion during the review.

Mr. Bisson: I was worried that I was going to have to bone up on my—

The Chair: If you see questions that you think are missing, if you see questions that are unhelpful, if you see a better way of phrasing questions to get at certain points, please give that feedback to Tonia in advance of

our next committee meeting. Then we will go through that and perfect the questionnaire.

Any other questions or points on the draft questionnaire? Great. Thank you to the clerk, her office and the research office for the hard work on this.

Speaking about the next regular meeting, the meeting normally scheduled for May 17 only has one individual currently scheduled to attend. As Chair, what I customarily do here is say that—

Mr. Parsons: I'm going to ask, if at all possible, could we proceed with that? Extending that individual presents problems to—

The Chair: Steve Mahoney, an intended appointee to the WSIB, which I think is a call of the third party.

Mr. Bisson: We'd be very happy moving it over to another day.

Mr. Parsons: It is a problem for the WSIB.

The Chair: Because they're short-handed or something?

Mr. Parsons: The problem is constit week the following week.

The Chair: You're right; it would be two weeks hence. You're saying they have a strong preference to proceed.

Mr. Parsons: Yes, if we could proceed, even if it's just for half an hour.

Mr. Bisson: Well, when we have a subcommittee meeting, we'll vote at the subcommittee. We'll decide. This is a subcommittee matter; this is perfectly in the purview of the subcommittee. We'll decide it there.

The Chair: Folks, this is the call of the Chair. It's a normally scheduled meeting. I appreciate the WSIB's concerns, so we'll proceed on the 17th as scheduled, for Mr. Mahoney's interview. If there are others that come up, we can slot them in. It will be a shorter meeting.

Mr. Bisson: Why don't we extend the amount of time we have with Mr. Mahoney? I move that we extend the amount of time that we have to ask questions of Mr. Mahoney. That's a motion, Chair.

The Chair: Are you putting it as a motion?

Mr. Bisson: I'm putting it as a motion, that we extend the amount of time to one hour for the scheduled appointment of Mr. Mahoney.

Mr. Parsons: I think that would be a most unusual precedent.

The Chair: We do tend to follow a pretty strict process: a half-hour.

Mr. Bisson: Put the motion nonetheless, Chair.

The Chair: Okay, Mr. Bisson, fair enough. You've put a motion on the floor. Is there any discussion on Mr. Bisson's motion? Mr. Bisson, do you want to discuss your motion?

Mr. Bisson: I just think it's such an important appointment. The WSIB, as we all know, relates to much of the work we do in our offices in terms of representing constituents. There are many injured workers out there, either by way of disease or accident, who feel they are getting short shrift, and I would like the time to ask Mr.

Mahoney a number of questions in regard to his intentions on the board.

The Chair: Mr. Bisson has a motion on the floor to extend the time for Mr. Mahoney's interview to one hour on May 17. Any other comments or questions on the debate?

Mr. Parsons: Mr. Chair, every appointment is an important appointment. We have established a process that provides equity for all the individuals. As we heard this morning, this is a somewhat stressful occasion for some of the applicants—

Mr. Bisson: Stressful? They're excited. All the people getting appointed get excited. They're not stressed—especially Mr. Mahoney.

Mr. Parsons: Call the question.

Mr. Bisson: Two pensions and a WSIB job? Wow.

The Chair: Mr. Parsons has the floor.

Mr. Parsons: I can't say what I want to say, because it would be rude. We're comfortable waiting for the question.

The Chair: Any other debate on this? Mr. Bisson has moved that Mr. Mahoney's time be extended to one hour.

Mr. Bisson: Recorded vote.

Ayes

Bisson.

Nays

Gravelle, Hoy, Parsons, Scott, Smith, Zimmer.

The Chair: It is defeated. So we are going to proceed on May 17th, 10 a.m., with Mr. Mahoney's appointment. If there are other intended appointees who happen to get slotted in, we'll extend that; otherwise, it will be a shorter meeting of this committee.

Because we're meeting on the 17th, I am going to require members to give their feedback on the questionnaire before the 17th. I'd like to have this finalized so we can get the questionnaire out to the agencies well ahead of time. They may not know that they have won the lottery, so it might catch them off guard.

Is there any other business to discuss?

Mr. Bisson: It's good to be here with you this morning.

The Chair: Thank you for saying that. All those in favour? There we go; fantastic.

I think that concludes it. We will now adjourn and reconvene on May 17th at 10 a.m. Thank you, folks.

The committee adjourned at 1048.

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