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**Official Report
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(Hansard)**

A-11

**Journal
des débats
(Hansard)**

A-11

**Standing Committee on
Government Agencies**

Intended appointments

**Comité permanent des
organismes gouvernementaux**

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2nd Session
42nd Parliament
Tuesday 22 March 2022

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Mardi 22 mars 2022

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Tuesday 22 March 2022

Mardi 22 mars 2022

The committee met at 0900 in committee room 2.

The Vice-Chair (Mr. Aris Babikian): Good morning, everyone. We are here to conduct a meeting of the Standing Committee on Government Agencies. As always, please wait to be recognized by myself before speaking. All questions and comments will need to go through the Chair. The Clerk has distributed all the committee documents via SharePoint. If you require any additional documents, they are there on the desk, so feel free to pick one up.

SUBCOMMITTEE REPORTS

The Vice-Chair (Mr. Aris Babikian): Adoption of subcommittee reports: Is there a motion?

Mr. John Yakabuski: Yes, there is, Chair. Thank you very much for the opportunity. I have a couple of motions. I move adoption of the subcommittee report on intended appointments dated Thursday, March 10, on the order-in-council certificate dated March 4, 2022.

The Vice-Chair (Mr. Aris Babikian): Any debate, any discussion on the motion? I see none. All in favour, please raise your hand. Any opposition? I see none. The motion is carried.

Another one?

Mr. John Yakabuski: I have a further motion, yes, Chair.

The Vice-Chair (Mr. Aris Babikian): Go ahead.

Mr. John Yakabuski: I move adoption of the subcommittee report on intended appointments dated Thursday, March 17, 2022, on the order-in-council certificate dated March 11, 2022.

The Vice-Chair (Mr. Aris Babikian): Any debate, any discussion? I see none. All in favour, please raise your hand. Any opposition? I see none. The motion is carried.

INTENDED APPOINTMENTS

MS. LOUISE CHARETTE

Review of intended appointment, selected by government party: Louise Charette, intended appointee as member, Ontario Civilian Police Commission.

The Vice-Chair (Mr. Aris Babikian): Now we will move to the review of intended appointments. I would like to call on Madam Louise Charette to do her opening remarks. Any time you take for your remarks will be deducted from the government side.

Madam Charette, can you introduce yourself for the record, please?

Ms. Louise Charette: Good morning, everyone. Thank you. My name is Louise Charette. Thank you for allowing me to appear via Zoom this morning. It's an honour to appear before you to present my background and qualifications for a possible appointment to the Ontario Civilian Police Commission.

The Vice-Chair (Mr. Aris Babikian): Okay. You can start your opening remarks, Madam Charette.

Ms. Louise Charette: Thank you. I would like to start off by providing some personal and academic background. I was born and raised in a small francophone community in eastern Ontario, and this is where I have resided most of my life. I attended the University of Ottawa after graduating from high school and obtained a bachelor's degree in social sciences, with a concentration in criminology. I then pursued a career in the criminal justice system.

In terms of my professional background, I was able to secure employment with the Ministry of Community Safety and Correctional Services shortly after graduating from university. During my employment with this ministry, I held different positions over a number of years. I initially worked within an institutional setting as a corrections officer and then as an electronic monitoring and temporary absence program officer—

The Vice-Chair (Mr. Aris Babikian): My apology, Madam Charette. I have to interrupt you for a second. Can you tilt your camera a little bit down because—

Ms. Louise Charette: Yes.

The Vice-Chair (Mr. Aris Babikian): That's much better. Just one second.

Ms. Marit Stiles: Can I also ask if there's a way to turn up the volume a little bit?

The Clerk of the Committee (Ms. Tanzima Khan): I just asked.

Ms. Marit Stiles: Okay, thank you.

The Vice-Chair (Mr. Aris Babikian): Okay. Are we ready?

Go ahead, Madame Charette. Continue your opening remarks. Thank you.

Ms. Louise Charette: I do apologize for that.

Later, I also worked in community corrections as a probation and parole officer. During my employment with this ministry, I benefited from ongoing professional training and, as such, I was able to develop many skills. I

assessed an individual's suitability for programming. I conducted client interviews. I was responsible for case management of files. I prepared comprehensive assessments of the risk and needs of offenders. I prepared detailed court reports both in English and in French. I supervised offenders in the community on probation, parole and conditional sentence. I enforced court orders. I proceeded with breaches of non-compliance when necessary. Also, in these roles, I was asked to liaise with community agencies. I interacted with the public and victims of crime, and I also worked with justice partners. In all of these roles, my focus was on public safety.

In 2000, I resumed my studies and I attended law school. I graduated from the University of Ottawa French common law program and then started a career working as a per diem assistant crown attorney with the Ministry of the Attorney General in my small community. Later on, I also worked in two other eastern Ontario communities. As an assistant crown, I screened and managed court files and prepared court documents. I appeared before different levels of courts, took positions on pleas and sentences, interviewed potential sureties, and made decisions regarding the release of alleged offenders into the community on interim release. In this role, I was asked to liaise with the court, justice partners, community agencies, and I often interacted with the public, with witnesses and with victims of crime. I have to mention that as a per diem, my work involved appearing in bail court. In this role, I was always focused on the public interest.

In my role as duty counsel, I also gained experience. I assisted unrepresented alleged offenders in criminal court. I interviewed sureties. I negotiated interim releases into the community. I conducted bail hearings when required, and again, I liaised with courts, justice partners and community agencies.

In terms of adjudicative experience, I was first appointed as a member of the Criminal Injuries Compensation Board in January 2017, and I was a part-time member for approximately five years, until its dissolution in December 2021. As an adjudicator for the CICB, I assessed the eligibility of applicants for financial compensation under the Compensation for Victims of Crime Act and, as such, I conducted oral, electronic hearings and also adjudicated files by way of written hearings. In this role, I was required to possess the ability to listen actively and communicate effectively. I was required to manage conflicts when alleged offenders participated in the proceedings, and I was asked to maintain a fair process during those hearings. As a bilingual member, I conducted hearings in French and English and also prepared written decisions in both languages.

I also have adjudicative experience with the Ontario Parole Board. I was appointed as a part-time member of the OPB in December 2020. My role as an adjudicator at the Ontario Parole Board is to assess the suitability of applicants for release in the community on parole or temporary absence. I conduct parole hearings, reviews, post-suspension hearings and hearings for temporary absence applications. In this role, I'm responsible for

assessing an offender's risk to society and for making decisions regarding a return to the community. As a bilingual member, I conduct hearings in French and English and also prepare written decisions in both languages.

Having said all that, I believe that my educational background as well as my past experiences would assist me in this member role with the Ontario Civilian Police Commission. My past experiences with the Ministry of Community Safety and Correctional Services have enabled me to acquire significant knowledge of the criminal justice system and to also understand the important role each professional plays in the administration of justice. Throughout this career, I demonstrated the ability to work with offenders, court agencies, justice partners, custody facilities, community organizations, victims of crime and the public.

0910

As a lawyer, I have the ability to review, interpret and apply relevant legislation as well as court decisions. As an adjudicator, I gained skills and knowledge which I'm hoping to transfer to the Ontario Civilian Police Commission, if appointed. I'm aware of the independent nature of the role of an adjudicator. I'm also aware of the importance to render fair, unbiased and well-reasoned decisions.

To conclude, I would like to also note that I believe I've demonstrated a long-standing interest and commitment to the safety and well-being of our communities. Although I don't have specific skills related to the work with the Ontario Civilian Police Commission, I have a good understanding of the important role police play in our society and the importance of the interactions with members of the public.

The Vice-Chair (Mr. Aris Babikian): Thank you, Madame Charette.

Now we will start the questioning. I will start with the opposition side. MPP Stiles, go ahead, please.

Ms. Marit Stiles: Thank you, Ms. Charette, for joining us this morning. We appreciate you being here.

I have a few standard questions that we, as members of the opposition, ask everybody who is being appointed to any boards or commissions or tribunals, like yourself, because we have seen quite a pattern of, I would say, partisan appointments by this government. So I'm going to just ask you these. I hope you won't be offended, but you'll probably understand that it's really important for the public to understand the nature of these appointments.

I have to ask you if you've ever been a candidate for or run at any level for any party, and particularly the Conservative Party of Ontario or the Conservative Party of Canada.

Ms. Louise Charette: No, I have not.

Ms. Marit Stiles: And have you ever donated to any political parties?

Ms. Louise Charette: No, I have not.

Ms. Marit Stiles: Okay, thank you.

I have a few questions related to—obviously, this is a really important role. You did outline a little bit about why you want to do this, but if you could speak a little bit more, maybe, about how you see your role, why you're particularly interested in this appointment, and also if you could

mention whether or not you were approached to apply to be on this board or how you came to apply for this.

Ms. Louise Charette: Thank you for your question. I did not apply for this position; I was approached by a vice-chair. But I have to indicate that in all the roles I've played with Tribunals Ontario, I have applied for positions. I have interviewed; I've gone through the examination process. Although I did not specifically apply for this position, I had shown interest. As you indicated, because of my background in the criminal justice system, I felt that this would be familiar to me and there would be similar issues. It seems like over the years, I've touched on almost every step of the criminal justice system. I've worked with justice partners, and I feel comfortable in the criminal justice environment. Although I didn't apply, I'm very interested in this role.

Ms. Marit Stiles: And—

Ms. Louise Charette: I hope that that answers your question; I apologize.

Ms. Marit Stiles: Thank you.

Can I ask the Clerk again to turn up the volume a little bit? I'm struggling to hear her, to be honest. Thank you. Sorry about that.

I did notice when I was going through your application—I know you mentioned this in your comments—that you are currently, just to confirm, a part-time member of the Tribunals Ontario Criminal Injuries Compensation Board as well, or has that halted now?

Ms. Louise Charette: Yes. In December 2021, there was a dissolution of the CICB. But I am currently a part-time member with the Ontario Parole Board and as well I'm currently onboarding with the—

Interjections.

Ms. Marit Stiles: Sorry. Mr. Chair, can I ask—the members opposite are so loud. I can't hear. I'm already struggling to hear this.

My apologies, Ms. Charette. We're just dealing with some audio issues here. I'm going to put my earpiece in just so it makes it a bit easier for me, but it is really loud over there.

The Vice-Chair (Mr. Aris Babikian): I kindly ask you to keep your discussion very low so that we can have the proper hearing. Thank you.

Ms. Marit Stiles: My sincere apologies, Madame Charette. Sorry, you were saying?

Ms. Louise Charette: I apologize. I am currently a part-time member of the Ontario Parole Board, and as well, I'm currently onboarding for the Social Benefits Tribunal.

Ms. Marit Stiles: Oh, okay. So with this, you will then be sitting on three different tribunals.

Ms. Louise Charette: That's correct.

Ms. Marit Stiles: So, in terms of compensation, then, what is the compensation? I have it here I think, but is this something that you're paid a per diem for on each of these tribunals?

Ms. Louise Charette: Yes, it is. A per diem fee for either hearings or preparation or decision-writing.

Ms. Marit Stiles: And so, just for the folks out there who might be listening or watching this and are looking for information about this role, basically at this point, that's what you were doing. Do you still take on clients? No, okay.

Ms. Louise Charette: Sorry; I apologize. I don't see you on camera so I don't know—

Ms. Marit Stiles: I know.

Ms. Louise Charette: No, I don't have clients. At this point, I'm just focusing on Tribunals Ontario.

Ms. Marit Stiles: Okay, that's interesting. Okay, thank you.

I have a few questions. Just looking at the news recently, probably the biggest issues that have come up are around things like the Thunder Bay police and the investigation that took place there. More recently, we've seen the situation in Ottawa unfold and what I would say—I think most folks in Ottawa certainly believe it was a real terrible mishandling of that convoy. So you're obviously aware of that situation.

Ms. Louise Charette: I am.

Ms. Marit Stiles: And I know that there were three police services board members that resigned or were asked to resign by the government following that. Those were all political appointees, I should point out. I don't think they ever appeared before us here in this committee, because we have a really hard time getting the government to give us enough time to actually review all those political appointees.

I'm wondering if you could actually help me with this, because you obviously have a lot of experience in these areas. I know the Ontario Civilian Police Commission that you're being appointed to has oversight over investigations related also to people who are, I'm assuming, appointees to police service boards. Could they still investigate a complaint about police services board members, like these three, even if they've been now removed? Do you know?

Ms. Louise Charette: To be honest, I don't know. I don't have enough knowledge. I apologize. I am hoping I'm going to have some insight if I'm appointed and during onboarding, but I have no specific knowledge. I apologize.

Ms. Marit Stiles: I guess I'll ask you then: Do you think that that's an important issue that the government or some separate board or tribunal should be actually looking at further now? Once they're removed, it's like the door shuts and that's it. But clearly, there are some questions there that the people of Ottawa have a right to get answers to, I would think.

Ms. Louise Charette: I understand your concern, but I think I would rather not comment at this point.

Ms. Marit Stiles: Okay. Can you—

Mr. John Yakabuski: Thank you.

Ms. Marit Stiles: The members opposite on the Conservative side are heaving sighs of relief.

If I may ask you some other just more general questions. I know some of the issues that come to this board include things like complaints, so I have a question for you

about carding, for example, and the practice of carding. Do you have any opinions or thoughts on the issue of carding?

Ms. Louise Charette: Can you describe that for me? I'm not familiar with that term.

Ms. Marit Stiles: Carding is when somebody is basically racially profiled and asked to show identification, for example, because they are—the classic example would be the young Black man who is pulled over for nothing he can really figure out and is asked for his identification by police.

Ms. Louise Charette: Thank you for clarifying that. Unfortunately, I do believe systemic racism does exist, and I believe how we address that is we start with educating people, training, reaching out to interest groups and promoting diversity in recruitment and consultations with communities and, certainly, promoting diversity in leadership. I think it all boils down to training staff and educating staff.

I just know as an adjudicator, personally, I'm committed to respect diversity and to treat everyone the same, with fairness and courtesy, and, especially during hearings, to facilitate access to justice.

I do understand that may be a concern, but I think it boils down to education and knowledge and engaging people in discussions.

0920

Ms. Marit Stiles: Thank you very much. Related to that, one of the other issues I hear about from folks across the province all the time—it's happening in my community, and I'm sure it's happening in MPP Gates's community—is police constantly being called upon to intervene in issues that are really mental health or addiction crises. I actually feel for the police put in that situation, who may not feel that they are properly trained and have the resources. What are your thoughts about that? Is the resolution here training or is it also investing, perhaps, in those community and social services to actually deal better with those crises? Are police the right people to be intervening in a situation like that?

Ms. Louise Charette: I mean, I'm assuming often they're responding to calls and they may not know exactly what they're walking into. As I indicated, I believe training is very important, but I also agree with you that services in the community are important, especially now. Training with the SBT has been a real eye-opener. Sometimes police may walk into a situation where they don't know what the person's background is, so I do think services in the community to assist people with mental health is really important as well.

Ms. Marit Stiles: Perhaps the answer is investing in those services, so that after 5 it's not necessarily the police that have to be called, but that there are other alternatives.

Ms. Louise Charette: As an adjudicator, I apply the legislation and the rules, so I'm hoping the government will make the proper decision regarding what's needed in communities—and all communities are different. I live in a small community in eastern Ontario, and our needs are very different from a community an hour away. So I guess

it's what the needs are of that specific community that's important.

Ms. Marit Stiles: I guess that was really my final question. You mentioned coming from a small community; I wondered if you could speak a little bit about how you see your role on this board in relation to that community and the issues that you see there, and how we should be dealing better with some of the crises that you're facing in your small town.

Ms. Louise Charette: My area hasn't grown in many years, and for a number of years crime has been increasing. There's a lack of work in this area, so that has been really difficult. And it's a big enough community—I think it's around 15,000 people—but we're still an hour away from main centres. I've seen an increase in criminality over the years, and it's been difficult, I believe, for the justice system to keep up. But I don't really know what the solution is in this area. With the lack of employment, aside from people moving to different communities, I don't know what the solution is.

Ms. Marit Stiles: There are socio-economic issues there.

Ms. Louise Charette: Yes.

Ms. Marit Stiles: I was reviewing some of the latest reports and statistics on the caseload etc. of the Ontario Civilian Police Commission, and not surprisingly they've clearly struggled during the pandemic with the move to holding online video conferencing and such. Their caseload—I think they've had trouble keeping up. I wondered if you could talk a little bit—I don't know if you've had a chance to review any of that—about what you see as what could be done to address some of those issues. Obviously we faced a pandemic and it was a very real problem, but are there things that you'd be looking for—investments, for example—that might be necessary for us to catch up and manage this caseload better?

Ms. Louise Charette: I'm not quite sure what the challenges are with the OCPC, but I do know that with the CICB, we have moved to phone hearings to accommodate a lot of people, and I know with the OPB, as well, it's phone hearings and Zoom meetings. Although there were challenges sometimes with connection issues as well with the SBT, I believe a lot of the hearings are now by phone, and we do try to accommodate via Zoom. I feel that although I found it difficult at the beginning, because sometimes the person is not in front of you and sometimes there are connection issues, it has promoted fairness and better access because people who wouldn't have been able to travel or been able to afford to attend a meeting are now able to do so. They can stay in their home and do that. I think we haven't had a choice to move to Zoom and telephone hearings, and although I struggled at the beginning, I think it's been great for a lot of people.

Ms. Marit Stiles: Yes, we certainly all struggle to unmute to this day.

The Vice-Chair (Mr. Aris Babikian): One minute left.

Ms. Marit Stiles: I know my colleague has one question for you, so I'm just going to turn it over to MPP Gates. Thank you.

Mr. Wayne Gates: Thank you very much. I just want to ask you, what was your role as criminal duty counsellor with legal aid when you had that position in Ontario? The cuts that went to legal aid, how did that affect the role you could play in representing clients?

Ms. Louise Charette: Well, I was mainly a per diem for a number of years, so that basically had no impact on me, necessarily. I did have a contract for some time, and that was probably in the early—years ago, anyway, so it hasn't impacted me.

In terms of duty counsel and as a per diem, my role was mainly limited to bail court, so basically meeting clients when they'd been arrested and brought into bail court, trying to fashion a plan with them, meeting with sureties, negotiating with the crown to see if they could possibly be released in the community pending trial, and then when there's a non-consent from the crown—

The Vice-Chair (Mr. Aris Babikian): Thank you, Madam Charette. My apologies for interrupting you. The opposition time is over.

Now we will move to the government side. MPP Yakubski.

Mr. John Yakubski: How may I address you? I've heard Ms. I've heard madam, madame.

Ms. Louise Charette: Ms. Charette is fine.

Mr. John Yakubski: Ms. Charette. Thank you very much, Ms. Charette, and thank you so much for joining us this morning and also for being willing to sit on the civilian police commission. I know it's a challenging role.

I have to comment a little bit. We always get accused by the other side of partisanship when, quite frankly, you can see that where it's coming from is not here. We look for the best candidates who show experience and judgment. Clearly, Ms. Charette, your resumé stands out as being one that is absolutely beyond reproach.

But I must say, I have to ask—because I have to challenge MPP Stiles on the other side. Some of the questions she asked you—you want to talk about partisanship and playing politics; I'm not sure if she believes she's a senator interviewing someone for the US Supreme Court or if she's just trying to plant the seeds for her own possible leadership bid after the NDP fails in the next provincial election. I think she's doing a video so that she can try to promote herself a little bit, but I'm really displeased with the kind of questions she's asked you because the questions we should be asking you are about your qualifications for this commission.

When I look at your resumé and listen to your address as well—the member opposite is laughing at this. I guess she thinks these hearings are a joke when they're not; they're really serious. We have serious appointments here. But I did want to ask you—and you talked about some of the things, but you have a wide range of professional experiences in your career. Could you please share how this experience prepared you for your work with the Ontario Civilian Police Commission? Thank you so much again for joining us.

Ms. Louise Charette: As I indicated, it seems like I've been through every step of the criminal justice system. As a corrections officer, I supervised inmates. As a probation

officer, I supervised offenders in the community. As a crown, I prosecuted alleged offenders, dealt with victims and community agencies. As duty counsel, I represented accused persons, and then prepared court reports as a probation officer. I worked closely with victims as a crown, and with the CICB as well, and with the OPB, dealing with releases into the community after sentencing.

I think I've gained skills as an adjudicator, and I'm hoping to transfer these skills to the OCPC. I bring knowledge and experiences from my past employment with the Ministry of Community Safety and Correctional Services. I do believe that, as an adjudicator, I've provided fair hearings. I've given people an opportunity to feel heard. I believe I've rendered fair, well-reasoned decisions, and over the years I've shown I adapt to change, like most people. I've learned to be organized and to be prepared for every hearing. I make it a point to really review files in advance if I can and make sure all the information is there, which avoids adjournments and issues at hearings.

0930

So I'm really hoping I'm going to bring all that knowledge. That will assist me with this new position if I'm appointed.

Mr. John Yakubski: Thank you very much, Ms. Charette.

With your permission, Chair, I would like to pass this to my colleague MPP Martin.

The Vice-Chair (Mr. Aris Babikian): MPP Martin.

Mrs. Robin Martin: Ms. Charette, thank you again for coming. You really are currently appointed to—as was pointed out, I think, by the members opposite—a couple of other boards: the Ontario Parole Board, I think you said, and the Social Benefits Tribunal.

Ms. Louise Charette: Correct.

Mrs. Robin Martin: How do you think that your experience with these boards will inform your work with the Ontario Civilian Police Commission?

Ms. Louise Charette: I believe I've gained transferable skills. As I indicated, I've been a board member now for approximately five years, and I believe that, in all of my hearings, I've been fair and I've been transparent. I believe I've been free from bias, and I've really been flexible in allowing people to feel that they've been heard. I know it was difficult at times when dealing with victims who have suffered trauma with the Criminal Injuries Compensation Board. It's just adapting the way you ask questions and being really aware of who is in front of you, who you're dealing with and the background of that person.

Mrs. Robin Martin: It sounds like you're going to be a great asset to this commission. Thank you very much. I'll ask my colleague MPP Anand to ask questions.

The Vice-Chair (Mr. Aris Babikian): MPP Anand, go ahead.

Mr. Deepak Anand: Through you, Chair, I just want to commend Ms. Charette for applying. I do see you have a lot of experience. It's great to see you here. A quick question—and I think the member of the other side as well pointed out that you are already on two boards. You're on OPB and SBT. Do you foresee any caseload issues that

may arise from being appointed to all three tribunals? How would you handle that?

Ms. Louise Charette: I don't expect any issues. I am a part-time member for these two boards, and I will leave it up to the associate chairs to decide where they need me. There may be times where I'm needed more on one board and less on the other, so I will let them decide where. That was the way it worked as well towards the end of the Criminal Injuries Compensation Board. With the dissolution, I was needed more there and did more work with CICB. I'll leave it in their capable hands, but I don't foresee a problem, being a part-time member.

Mr. Deepak Anand: Thank you so much. Over to MPP Miller.

The Vice-Chair (Mr. Aris Babikian): MPP Miller.

Mr. Norman Miller: Thank you, Madame Charette, for putting your name forward for the Ontario Civilian Police Commission. I'm just wondering about your community involvement and your volunteer work in your small community. What have you learned from that and how will that inform your work at the Ontario Civilian Police Commission, please?

Ms. Louise Charette: Well, to be honest, I did a lot of volunteer work in my twenties. I did some work for the food bank and different fundraisers. But in my thirties, I was really focused on law school. I went back to law school, and then raised a family, so time was a bit more limited. I still made donations to my community.

Two years ago, I did reach out to a community organization I've been wanting to work with for years. I was interested in doing school presentations and other services, but because of COVID, I was told that that was not possible at that point. But I'm really hoping, in the future, to resume some of that volunteer work.

Mr. Norman Miller: Thank you. I'll pass it on to my colleague MPP Pang.

The Vice-Chair (Mr. Aris Babikian): You have 25 seconds.

Mr. Billy Pang: Okay. Do you have any concerns about not being able to conduct in-person hearings during COVID?

Ms. Louise Charette: To be honest, I was initially concerned about it—and I appreciate appearing via Zoom today because I'm quite a few hours away from Toronto, so I do appreciate that. Yes, I was concerned with not having the person in front of me. I think sometimes eye contact—

The Vice-Chair (Mr. Aris Babikian): Ms. Charette, unfortunately the time is up. Thank you for being with us today and sharing your experience and your opinion and point of view about various issues raised today. The Clerk will contact you to follow up with you on the rest of the process. Thank you very much.

Ms. Louise Charette: Thank you for having me.

MR. MARTIN FORGET

Review of intended appointment, selected by official opposition party: Martin Forget, intended appointee as member, Animal Care Review Board.

The Vice-Chair (Mr. Aris Babikian): Now we will move to our next witness, Mr. Martin Forget. Please, Mr. Forget, come forward and take your seat in one of these chairs. Thank you very much for coming. Please state your name for the record.

Mr. Martin Forget: My name is Martin Forget.

The Vice-Chair (Mr. Aris Babikian): Thank you. You have the opportunity to make a statement. Whatever time you use to make a statement will be deducted from the government side. Go ahead, please.

Mr. Martin Forget: Okay. Thank you, members of the committee. Bon matin à tous. Good morning. Thank you for having me today. I appreciate the privilege to appear before you for the consideration of my appointment to the Animal Care Review Board.

Before starting, I thought it would be important for me to highlight how I recognize the privilege you are giving me here today, especially notable considering everything that's happening around the world today. As we're meeting during these democratic proceedings and I'm speaking to you right now, likely ordinary civilians in the Ukraine are getting killed as a result of the war on their democracy. In Russia, citizens are being arrested just because they dare express their opposition of their government. Today, my appearance in front of you is a testimony that reminds us of the privilege that we have as Canadians, able to assemble and question each other in a parliamentary forum like this one; this, without fear of being put in jail for 15 years for not agreeing with government policy. These proceedings are an indication that we have a very strong democracy and one that Canadians can count on, backed by a fair, equitable justice process. That is the backbone of our democracy and why we're here today. I pray with you that we'll never lose sight of this simple fact.

Now let's focus on the purpose of my presence here. You called me to discuss with you how my experience will best serve the Animal Care Review Board and how I will do it in the public's interest for Ontarians who want to protect animal welfare under the statutory powers of the Provincial Animal Welfare Act. I look forward to having a fruitful discussion with you about how I will best serve this board.

On a personal basis I am a proud, gay Franco-Ontarian. Je suis très fier aujourd'hui de l'être, et je ne me gêne pas d'assurer que toutes nos valeurs et nos droits demeurent respectés, et surtout protégés. C'est avec honneur aujourd'hui que je compare devant vous; cela pour discuter de comment mes compétences serviront la Commission d'étude des soins aux animaux dans l'intérêt mutuel du public et de ceux qui s'impliquent à assurer le bien-être des animaux.

I bring forward 35 years of diversified business and adjudicative experience. More specifically, I have been an adjudicator and mediator, mediating many cases, since 2012. From 2012 to 2015, I served on the adjudicative team of the CPSO as a member of the discipline committee and fit-to-practice committee. Since 2020, I've been serving as a part-time adjudicator with the Consent and Capacity Board of Ontario and the LTB.

I also bring to the table a legacy of community experience. For 23 years of my life, I participated in community activism, working with my ex-spouse, who was a member of Parliament and Toronto city councillor. That has given me a lot of experience in the community. I also worked with my father and my brother, who were community activists in Quebec during the very, very sensitive referendum crisis. And back almost a decade ago, I ran as an MPP candidate in Ottawa–Vanier.

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On the private sector side, I am a retired tech sector executive and entrepreneur. From 1995 until 2020, I held executive roles with BC, Nortel and Telus. I also founded and invested in a few successful start-ups, including fintech company Okanii; renewable energy consulting firm Veritas; and Canada Pure beverages, the company that first introduced clear sparkling flavoured water in the late 1980s. I have since divested my stakes in these companies.

On a closing note, I don't profess to know everything about the Animal Care Review Board, the act and the legislation that governs it, but I can assure you that I have the skills and experience to be able to render fair decisions and apply reasons according to the law and for every case that will appear before me. That's because I understand the fundamentals of our administrative tribunal system and the role of the administration of justice in Ontario.

Combined with my professional experience as a former business executive, rest assured that I have the skills and understanding required for this very important assignment. I have the experience to tackle very complex issues that require me to make critical decisions, and I never lose sight of the mission of the organization I work for and the people it serves.

I hope with these few words I've been able to demonstrate to you why I'm able to fulfill this role. Thank you. Merci beaucoup. Je suis maintenant disponible et ouvert à vos questions.

The Vice-Chair (Mr. Aris Babikian): Thank you, Mr. Forget.

Now we will go to the questioning. This time, we will start with the government side. You have nine minutes and 21 seconds.

Mr. John Yakabuski: Thank you very much, Chair, and thank you for being so precise.

Mr. Forget, because we know each other, may I call you Martin?

Mr. Martin Forget: Yes, absolutely.

Mr. John Yakabuski: Martin, it's good to see you again. You're looking well.

Martin, I know you're going to get asked questions from the other side as well, and I just want to somehow prepare you a little bit, because sitting there as Martin Forget, former PC candidate—they would be under the impression that somehow that disqualifies you for this appointment. If you carried an NDP card, they would be saying, "There has never been a more qualified appointee before this board." I want to make that clear, that this is how this committee works, especially with MPP Stiles

here today. You're going to get asked some questions, but we're here to make sure that the very best people, regardless of what political stripes they wear, are appointed to committees to serve the people of Ontario.

I am so thankful that you are willing to serve in this capacity, because I've known you for a number of years and I know your credentials to be impeccable. So thank you very much for joining us.

I do have some questions as well—or at least one. You have been recommended for an appointment to the Animal Care Review Board in addition to your appointment to the Landlord and Tenant Board. Do you foresee any caseload issues that may arise from being appointed to more than one tribunal?

Mr. Martin Forget: This morning, I woke up to CBC Radio. The first thing I heard, and yesterday was the same thing, was the caseloads at the LTB. We recognize that the LTB, that—I would call it, coming from a customer service business, my business past—it's heavy on caseloads. Do I foresee some issues? I have to set priorities. The LTB is, for me, a part-time role. I believe that with the other tribunals I sit on, I can balance the load.

I will say that the LTB is definitely something of concern to me, but basically, as a part-time member—as you know, we don't get paid if we don't show up. I've never spent an extra dollar. In fact, there are some things that sometimes I sit on and I say, "You know what, let's save government dollars." I sat down. It's on record. I don't necessarily even claim it. I'm not going to claim an hour or two of work. I'm very, very conscientious about that. But basically, balancing the caseloads is something I've done all my life. In fact, I had 3,000 people for Nortel globally under my arm in terms of managing caseloads and call centre work. Basically, I know how to set priorities.

I will take every case seriously, and as I said in my statement, every case that appears in front of me—animal review board or other boards that I sit on—is treated with fairness and the justice that it's owed. I give very fair decisions. I make critical decisions. I know how to do that, so that's my approach to managing all this various board work that I do.

Mr. John Yakabuski: Thank you very much, Martin, for your answer.

With your permission, Chair, I'd like to pass this to MPP Bill Walker.

The Vice-Chair (Mr. Aris Babikian): MPP Walker, the floor is yours.

Mr. Bill Walker: Thank you, Mr. Forget, for your civic engagement and all that you have contributed to our community, our country and our province.

You serve on another board. Could you just maybe share with us why you believe and what it takes to be an effective member of this particular Animal Care Review Board?

Mr. Martin Forget: As I said, first of all, I don't profess to know everything about the Animal Care Review Board. I look forward to getting trained and understanding this board versus another board's rules.

But to me it's the administration of justice, and it's basically ruling according to the act, as soon as I know it virtually by heart. I'm not here to make the law; I'm here to apply the law and the policy that you are all responsible as elected officials to draw up. We as adjudicators look at it and we render fair judgment. I'm not there to make the law.

The Animal Care Review Board; the CCB, which I'm on; the LTB and other boards that I am soon to work with basically go according to—I look at making fair judgment. I know how to do that.

Also, there's one thing I think is very important: Mediation comes into play. It's a very important part, sometimes, of how we can get parties to come together versus actually applying the hammer: "There. This is what you have to do." If we're able to bring parties together through mediation, that's an expertise that I have: mediation, bringing parties in, trying to negotiate and listening. In fact, we say we go into "hearings"—what are we doing? We're here to listen to people. We take notes, and then we apply. We tell them. We direct them one way or another. In mediation, that's the great part: to avoid us having confrontation. I think we should have more mediation.

But again, finally, we have an act. We have the act for every one of those boards, and we have to provide administration of that act. I'm not here to write policy; I'm here to simply apply what you as legislators present to us. You write the law; I simply apply it.

Mr. Bill Walker: Mr. Chair, I would like to turn the table over to my colleague MPP Norm Miller.

The Vice-Chair (Mr. Aris Babikian): MPP Miller, go ahead.

Mr. Norman Miller: Thank you, Mr. Forget, for putting your name forward for the Animal Care Review Board. You've talked about 23 years, I believe you said, of activism, but I'm just wondering about your community involvement, your volunteer work and what you've learned from that, and how that will inform your work at the Animal Care Review Board.

Mr. Martin Forget: Community work means basically serving people and helping the people who are less able than I am. In the community, what you learn with community work is that you serve the more vulnerable. I consider, by the way, our animals as vulnerable. Our animals serve a great purpose to humanity.

In fact, when I look at what's happening with the pictures we're seeing in Ukraine and how important these animals are—pets, but also what may be happening to livestock and other animals—we bring compassion.

In terms of my community involvement, I've been helping, actually. The Animal Care Review Board is interesting for me because our animals serve people. How can we enable this? I would say it's a critical tool. Our animals are a critical tool of humanity.

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My community involvement is: I volunteer for, like I said en français, j'ai dit—si vous permettez que je m'exprime en français; I will express myself in French.

I'm here to protect and defend rights. I've done it; je l'ai fait pour les francophones de l'Ontario. Je suis membre de la communauté LGBTQ; I'm a member of the LGBTQ community. I've been very active in defending rights. In fact, I want to just state—I stated that I founded Canada Pure, the first company that invented the clear flavoured beverage. I was actually, back in 1990, the first company that actually had a float in the gay pride parade. In those days, in 1990, imagine this: There was no such thing as corporate sponsors—Pepsi, Coke and all this. Nobody would get near us, the gay community. Well, guess what? I had a float; it said Canada Pure. I actually dug up pictures of that. I was daring in the community. That helped us—actually, I think that gesture I did back in 1990 as a young entrepreneur, well, guess what? I think it brought Pepsi to the fold. It brought all the big corporates to the fold.

So I have—

The Vice-Chair (Mr. Aris Babikian): Thank you, Mr. Forget. Your time is up, actually.

Mr. Martin Forget: Okay. I could go on and on.

The Vice-Chair (Mr. Aris Babikian): The government side's time is up.

Now we will move to the opposition. You have 15 minutes for questioning. MPP Gates.

Mr. Wayne Gates: Thank you, Chair. I appreciate it.

It's nice to see you continue talking, because I'm a little shy, so hopefully I can get the passion and the emotion that you have this morning as well. Can I call you Martin?

Mr. Martin Forget: Yes, and sometimes it's Forget, sometimes it's "forget."

Mr. Wayne Gates: My colleague MPP Yakabuski really, I think, unfairly attacked my colleague MPP. It really has nothing to do with you, but you've been involved with politics. You ran in politics, and you understand the game that's being played. The reality is, in this committee, and particularly over the two years that I've sat here—I was on other committees before this one, and I was on this one for four years, so I've had a lot of experience. It is a lot of former PC candidates, former failed PC candidates, volunteers of PC candidates. To be fair, because I want to be fair to my colleagues, 90% have been that way since I've been sitting here. That's fair. So I think it's unfair to take an attack when the NDP, the official opposition, says something. I just want you to understand that, and I want my good friend Yakabuski to reconsider that.

Mr. John Yakabuski: Point of order.

The Vice-Chair (Mr. Aris Babikian): Yes, a point of order.

Mr. John Yakabuski: I object to the use of the language, Chair. I made an assessment, I believe an accurate assessment, of how this works over there. It is anything but an attack. It is an observation, and I really do object to the language being used by MPP Gates.

Mr. Wayne Gates: If I were the Speaker, I'd say "Stop the clock," but—

Mr. John Yakabuski: It stops automatically. You're not losing any time, Wayne. It stops automatically on a point of order.

Mr. Wayne Gates: I told you I was shy.

Mr. John Yakabuski: Me too.

The Vice-Chair (Mr. Aris Babikian): Thank you very much, MPP Yakabuski, for your point of order. I think in this committee we have to keep decorum and we have to respect each other. Let's stay on the course of questioning the qualifications of the candidates, if you don't mind. After all, we are all here for the same purpose, and I'm listening to both sides. So let's keep the decorum of the meeting. Thank you.

Go ahead, please. By the way, your time is saved, so you don't lose any time.

Mr. Wayne Gates: I appreciate that. I'll continue on with my first question.

Thanks for being here. I'd like to discuss your previous affiliation with the governing party. Can you confirm you previously ran for the PC Party?

Mr. Martin Forget: Absolutely. I stated that in my opening statement. I'm not shy about it.

Mr. Wayne Gates: When did you run, sir?

Mr. Martin Forget: Well, actually, it was a long run. If you recall, it was a minority situation, so it took a while before the election. When I officially became the candidate for Ottawa–Vanier, it was in 2012 or so but the election happened in 2014. I had to sit back and do volunteer work in the meantime for all sorts of things in the Ottawa–Vanier area—the election when Tim Hudak was, at the time, the leader. So it was the June 2014 election, I think.

Mr. Wayne Gates: Did you run provincially or federally?

Mr. Martin Forget: Provincially, Ottawa–Vanier. At the time, in fact, the Liberal candidate was Hon. Madeleine Meilleur, who I respect very much, by the way.

Mr. Wayne Gates: It's interesting you raise that because I ran in 2014 as well for the first time.

Mr. Martin Forget: Oh, okay. That's good to hear.

Mr. Wayne Gates: I ran in the by-election, which was four months prior to the general election. I won the by-election, and if I would have lost in the election four months later, I would have been not only the shortest MPP in here, but also have the shortest term. But I was fortunate enough to win. I was very pleased with the fact that I was able to win twice in four months. I was going to ask you what riding, and I was going to ask you who got elected and you said all of those things, so I appreciate that.

Listen, running—it takes a lot of guts to put your name forward. You open yourself up to the community. I appreciate that. I'm just trying to establish that—I don't care whether you're Conservative, I don't care if you're a Liberal or NDP, but I think it should be balanced. That's all I was trying to say in those opening comments, and I appreciate that.

Did anybody approach you to apply for this position?

Mr. Martin Forget: Look, this was something I've been looking at. My current partner actually wanted it. He says, "Oh, I should be the one because we both enjoy the animal community." It's something I basically looked at

and I said, "Hey, I'm going to throw my hat in this and see what happens." To my surprise, I got a call.

Mr. Wayne Gates: I'll ask you a question—you don't have to answer this one, but I think it's fair and balanced to ask: Do you have any animals?

Mr. Martin Forget: Yes.

Mr. Wayne Gates: What do you have?

Mr. Martin Forget: A cat, and I've had several dogs.

Mr. Wayne Gates: Okay. Cat?

Mr. Martin Forget: Yes. In fact, my cat, you can always see it in the window. It's probably waiting for me right now. My apologies, I may have a lot of fur on me because of the cat.

Laughter.

Mr. Wayne Gates: I can relate to that. My mom loved cats, and we would have about 20 cats at a time. Our cats used to run around our street and get pregnant every six weeks and we'd have a bunch of kittens in the house almost all the time. My mom loved cats. That's interesting.

For all of those who appear in this committee—because the government has a habit of appointing their friends and donors to lucrative positions in the government. Have you ever donated to the PC Party or been a member of the party?

Mr. Martin Forget: Yes, and I've donated to the Liberals in the past. I think if you look on record, I may have donated also to the NDP, by the way. I go according to favourite candidates—"favourite" in the sense that sometimes I'll admit I'm a strategic voter, sometimes to being able to, like you said, balance things out. I'm always open, by the way, to good ideas presented by candidates and by governments.

Mr. Wayne Gates: I'm a firm believer that the governing party doesn't always have all the good ideas, and if they would listen to the official opposition or opposition sometimes, there are some good brains here that help make the bills a lot better and stronger. I kind of agree with what you're saying there. I think it's important.

This government regularly appoints partisan friends. How would you balance your role at the tribunal which must remain objective and non-partisan as you get appointed? You will get appointed, by the way, so you don't have to be sweating at all. Counting over there, there are more of them than us, so you're fine.

Mr. Martin Forget: I'm here to make the democratic process work, and I said one thing about our democracy with what's happening in the world: We are backed by a fair justice system. So you know what? I don't care if they come to me and say, "Oh, it should be like this," or you come to me and say, "Oh, it should be another way." I'm sorry, but I'm going to look at what the act says. Now, if the act is defective in some way or another, I invite you, please, to listen and read the cases that we rule on and make the corrections necessary.

For example, yesterday I made a comment in a deliberation I was in and I said, "You know what? This is really old. It has to be modernized. This was written a long time ago. Look at this: It's not working right now, and, guess what, the citizen and the person in front of us is paying for

that.” Make good policy, make this into good laws, and I will basically apply the act as it is in front of me.

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One thing I will say is the animal act has been modernized, which is a good thing. I think we need to do this along the way with many, and I think it’s for you guys to do that. And thank you very much for doing it—a tough job.

Mr. Wayne Gates: I will say that once you get on the board, do take a serious look at the act. I’m going to give you an example of why it needs to be a little stronger.

I’ll read something to you that happened in my area, and you can comment.

In your role with the Animal Care Review Board, I’d like to bring to your attention a horrible situation that took place in Niagara several years ago. We had a local vet that was exposed. He was routinely beating animals under his care, people’s pets, all while pretending that he was taking care of them. It took some serious media coverage and pressure from politicians before this doctor had his licence revoked and we could be sure that the animals were safe.

Do you believe that the province currently provides enough power to the appropriate authorities to investigate and stop animal abuse?

This particular story was all over every major news outlet in the province. It went across the country. For a long period of time, we couldn’t stop the guy, even though they had videos. It was awful.

I’d like you to just comment on that, because if you own animals the last thing you want to think is that, if you’re taking them to the vet, they’re going to be abused or banged against the—he was hitting their heads on the tables. It was disgusting.

Mr. Martin Forget: Yes. I will say that it’s unfortunate that, probably, this is the only case that actually—because it got media attention. So many other cases are probably not looked at. It breaks my heart.

Like I said, I don’t write policy. But just to give you an example, yesterday, in the case I was on with the CCB, I said that the act has to be strengthened, or maybe modernized a bit, because in this case it was a technical error. It was basically that the powers weren’t necessarily there. I’m not saying that the act is not strong; I’m not saying to change it. That’s not my role. But it’s the same thing in all of these acts.

Yes, I agree that if you guys can actually, if you see—when we render judgment, we make a comment. Sometimes, we will make some comments that kind of spark you guys to pay attention, to say, “Hey, do you see this? We rendered this decision.” But we will put a little comment in there sometimes that highlights, for example, if there is something technical that happened and that because of that, we rescind the order. So I invite you, as policy-makers, to look at our rulings—well, we give decisions—and read the reasons. These are hints. Especially in case law, these are hints that we give you, to say, “Change things.”

Don’t wait for media, because this media—what you saw there on the media is, I bet you, one of many that are actually buried. So that’s my comment. I can’t comment

on what I’d change in the law. We, basically, as adjudicators and rendering decisions, we give you hints on what to do. I invite you guys to debate this together and then make better law. That’s the beauty of the case law, because the law is living and it becomes better and better as we go along. Thank you.

Mr. Wayne Gates: So on that issue, just to let you know, because the act was weak and because it only allowed them to really suspend him for six months, he was able to continue practising. It was the community that wouldn’t let him continue to practise. In other words, it was through protests, through calling the media, doing all those things, that we were finally able to shut him down and he moved out of the area. Now, I don’t know if he’s still practising; I heard he wasn’t, but as we sit here today, I’m not positive.

All I’m saying is, when you get on, just take a look at the act. You’ve done some mediation. You’ve done some of the stuff that—you have to read case law; you have to read the acts. You’re obviously very good at doing stuff like that, I would think, if you’re writing mediation and doing mediation.

And I believe that mediation is a way that we should go on a lot of other stuff, to save a lot of court time, particularly in family law, by the way. I’ve always thought mediation was a better way to go than going to the court system that kind of sucks all the money away from both families, instead of giving it to the kids, making sure the kids are taken care of. So I agree with you on the importance of mediation.

How much time have I got left?

The Vice-Chair (Mr. Aris Babikian): Two and a half minutes.

Mr. Wayne Gates: Okay. I’ve got lots of time. I will say that we agree on one thing for sure: We agree that what’s going on in Ukraine really is a crisis in this world. To see that a country like Russia is bombing hospitals, bombing schools and killing children is really something that I wish that, quite frankly, in the House, where I come to every day here—I’d like to have a debate in this House about if there is something more we can do, not only as a society, but as a province. It’s heart-wrenching to turn the TV on at night and see what’s going on in that country.

To see the bravery of Ukrainians, and I can always just think about—I think he was right when he said, can you imagine you don’t have a no-fly zone and planes are just dropping bombs and you have no defence?

To your point, I’m glad you raised Ukraine. I think it’s something that we all should be thinking of all the time and don’t take our freedom for granted, as you said, and this process for granted. I want to compliment you on raising that at the start of your speech.

Do you think that the review board does a good job of viewing complaints through a culturally relevant lens?

Mr. Martin Forget: I’m sorry?

Mr. Wayne Gates: A culturally relevant lens.

Mr. Martin Forget: I’ll try to stay away from—my role here is to talk about how I can apply the law. Again,

I'll throw it back to you, as legislators. I want to be careful that I want to be neutral on this. Can it be better? I look forward to reviewing that, and getting the training. I'm sure I'm going to learn more about some of the weaknesses, but I'm not here to make a statement on making law. I'm not here to make the law; again, I re-emphasize this. I'm here to apply it. So I reserve a bit of my judgment on that. It's for you legislators to do this.

If I wanted to change the law, I'd probably run for office with whatever party that basically is able to present the best platform to make the changes I'm looking for. But that's not what I'm doing. I did that 10 years ago. I'm not going back there. I'm happy doing what I'm doing today.

Mr. Wayne Gates: Last year, the board did not meet its target of decisions rendered. It only met 64% of them. We understand that, due to the increase to complexity—

The Vice-Chair (Mr. Aris Babikian): Thank you, MPP Gates. Unfortunately, the time is up.

Mr. Wayne Gates: Thank you, sir.

The Vice-Chair (Mr. Aris Babikian): Thank you, Mr. Forget, for coming and sharing your thoughts with us. The Clerk will contact you to follow up with the rest of the process.

Mr. Martin Forget: Okay, thank you. It was very nice seeing you all. I appreciate the privilege of being here during these tough times.

The Vice-Chair (Mr. Aris Babikian): Can we move to the motions of concurrence? MPP Yakabuski.

Mr. John Yakabuski: I move concurrence in the intended appointment of Louise Charette, nominated as member of the Ontario Civilian Police Commission.

The Vice-Chair (Mr. Aris Babikian): Any discussion? Any questions? Seeing none, all in favour, please raise your hand. Any opposition? I see none, so the motion is carried.

Now we move to the second concurrence.

Mr. John Yakabuski: Chair, I move concurrence in the intended appointment of Martin Forget, nominated as member of the Animal Care Review Board.

The Vice-Chair (Mr. Aris Babikian): Any debate? Any discussion? Seeing none, ready to vote? Yes. All in favour, please raise your hand. Any opposition? Seeing none, the motion is carried.

That concludes our business for today. This meeting is now adjourned. Thank you very much. Have a nice day.

The committee adjourned at 1010.

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