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**Official Report
of Debates
(Hansard)**

Wednesday 5 September 2001

**Journal
des débats
(Hansard)**

Mercredi 5 septembre 2001

**Standing committee on
government agencies**

Intended appointments

**Comité permanent des
organismes gouvernementaux**

Nominations prévues

Chair: James J. Bradley
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Wednesday 5 September 2001

Mercredi 5 septembre 2001

The committee met at 1005 in room 228.

INTENDED APPOINTMENTS

EVELYN DODDS

Review of intended appointment, selected by opposition party and third party: Evelyn Dodds, intended appointee as vice-chair, Alcohol and Gaming Commission of Ontario board of directors.

The Chair (Mr James J. Bradley): I'll call the meeting to order, now that we have our three parties represented. We have three appointments today to deal with as a committee, and the first appointment will be Evelyn Dodds, who is an intended appointee as vice-chair, Alcohol and Gaming Commission of Ontario board of directors. I wish I were asking the questions today. We all know my great interest in alcohol and gaming, my crusade against it, but I won't ask those questions today. I'll leave that to the members of the committee. I'll just bridle at this.

Anyway, welcome, Mrs Dodds. Please come forward. As I know you're aware, you have an opportunity to make an initial statement to the committee if you see fit, and then you're questioned by the three parties.

Mrs Evelyn Dodds: Thank you. Mr Chair, members of the committee, I appreciate this opportunity to appear before you today to discuss my proposed appointment to the Alcohol and Gaming Commission of Ontario.

I hope that you've had a chance to look over my resumé. May I point out a few places where my experience has had some direct bearing on the workings of the AGCO, as I understand it at this point.

My knowledge of the merits of various kinds of audits and my concern about well-managed finances comes from my business experience as well as from my experience as a school board trustee and chairman, a municipal councillor and chair of finance committee. For instance, as the school board trustee, I initiated our school board's first audit committee, which I am told was the very first of its kind in Ontario.

When I was a municipal politician and worked on the business improvement and tourism development committees, I became aware that one part of our city was plagued by vandalism, and I was informed that Thunder Bay had not had a liquor inspector since the previous one retired. The local police were reluctant to enforce the liquor laws because of the prohibitive expense of sending

our police officers to Toronto for hearings of the then LLBO. I took it upon myself at that time to come to Toronto and to organize with the then chair of the LLBO that the hearings would be held in Thunder Bay. A new inspector came shortly after that, and the results of the increased enforcement of the liquor laws had a positive effect on the environment of that particular street. Through that, I gained some insight into the difficulties facing undercover operations.

I chaired the committee that put into place the first municipal lottery in Ontario, which over the years that it operated successfully raised hundreds of thousands of dollars for local charities.

As a municipal councillor, I was often called upon to make difficult decisions that had to balance the concerns of the business community with the greater public interest. I learned then that it was vital to hear all sides of an issue before deciding.

For the past six years, I have been an adjudicator and I've conducted hundreds if not thousands of hearings all over the province, and I've always written my decisions in a timely fashion. For the past three years, I served as vice-chair of the Social Benefits Tribunal, where I assisted the chair by participating in the training of new members and writing numerous resource documents for the use of the other members. I developed a healthy respect for the important role played by the administrative justice system in maintaining a fair and equitable application of the laws all across Ontario.

I believe I have demonstrated fairness, clear writing skills, professionalism and competence in this role that I hope you will consider beneficial to the work of the AGCO.

I look forward to the opportunity to serve in a new capacity, and I will be pleased to answer any questions you may have.

The Chair: Thank you very much. We'll commence our questioning with the official opposition.

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): Good morning, Mrs Dodds. In your comments you have made reference to your experience with audits, also your experience dealing with well-managed finances. I'm just trying to understand how that experience really connects with your role on the Alcohol and Gaming Commission. I see fiscal management as being one exercise, but usually the issues that come before the Alcohol and Gaming Commission don't

have anything to do with finances. So maybe you could connect that.

Mrs Dodds: As I understand it now, and you must appreciate that I haven't yet actually learned about the inner workings of the AGCO, you are correct insofar as the adjudicative function of the board is concerned. However, I believe that the AGCO also has a governance role with respect to the entire commission and that as part of the monitoring of the management of casinos, for instance, finances play a very large role because of the large amounts of cash that are processed through the casinos. So that I think that auditing of the finances of casinos could potentially play a large role in ensuring that the operations are conducted ethically and honestly.

1010

Mrs Dombrowsky: I don't know that I agree, but thank you; I do appreciate that.

You've indicated in your resumé that your current position is as vice-chair of the social benefits tribunal. Do you plan to continue in that role?

Mrs Dodds: No. My term is up at the end of September.

Mrs Dombrowsky: I see. So you would finish in that role and then you would begin in the new role.

I'm sure you have had an opportunity to read the background around issues that the Alcohol and Gaming Commission deals with. I'm sure you are aware that the people on the front line—they would be the enforcement officers—are most distressed by the fact that in their attempt to curb crime, to arrest crime, when charges are laid against liquor establishments for illegal activity, it takes some considerable time before the case is heard. In the interim, these establishments can continue to operate. This, of course, is problematic for the officers, because they would present that the same sort of illegal activity can continue in these locations. I was wondering if you would have any comment on that, if you see any particular role that the Alcohol and Gaming Commission might play in preventing or in solving this problem that the law enforcement people are very concerned about.

Mrs Dodds: Where circumstances warrant, I believe that the AGCO has the ability now in the legislation to issue interim suspensions, but that there would normally need to be some compelling reason to take that unusual step. It seems a long time to wait for hearings, but I can relate from my experience on the SBT that there is time needed for people to prepare their cases, that a full hearing, even if it is scheduled very swiftly, often becomes adjourned if it's scheduled too quickly, because the parties do not have sufficient opportunity to prepare the case that they wish to present. So it's a matter of striking a balance, isn't it? Due process needs to be followed; the public must be protected. So the hearing is that opportunity for both sides to be heard.

Was it in Hamilton recently I saw in the media where there was an emergency session of the AGCO convened in order to issue an interim suspension pending a full hearing, and that the actual hearing was held in a short period of time, in order—

Mrs Dombrowsky: Yes, and that is the exception.

Mrs Dodds: Yes.

Mrs Dombrowsky: Are you presenting, then, that you think the status quo is quite acceptable, given the fact that it takes time to mount cases and so on?

Mrs Dodds: With my limited knowledge now I'm not able to tell you what the ideal ratio should be, but I do know that both factors would need to be taken into account in making any such decision: does the compelling public interest for the immediate problem outweigh the need for people to have sufficient time to prepare their case? I'm not able to be more specific than that at this time.

Mrs Dombrowsky: I guess the information that has come to me is that law enforcement people find it especially challenging when they're trying to crack down on crime and they make the arrests and they don't have the ability to shut the place down. They make the arrest today and the same kind of activity is happening there the next day. Until there is a hearing, they're virtually powerless unless they just continue to weigh those kinds of charges. In my opinion, I see a great waste of our enforcement resources in this particular area.

If I could ask now that we move to another issue with regard to surveillance in casinos. You are familiar with Ann Cavoukian. Would you have had an opportunity to read her most recent report, where she's made some recommendations about the notification of surveillance equipment in casinos?

Mrs Dodds: I haven't read the full report, but I understand that the recommendations she made are being acted upon. I'd like to add that the people who have told me of their casino experiences have always indicated a sense of comfort and security in knowing that there are cameras everywhere. They expect it.

Mrs Dombrowsky: OK. "That there are cameras everywhere"; would you be a strong advocate of notifying people that there are cameras everywhere, that all people who enter a casino would be almost immediately informed that they would be under surveillance?

Mrs Dodds: Aren't there signs now that tell people that video surveillance is—

Mrs Dombrowsky: You would be a strong advocate of that; you think it's important that people know that.

Mrs Dodds: I see no reason not to. I don't know that I would make a strong issue of it, any more than when I walk into my bank. There's no big sign telling me that I'm on camera but I know I am and I'm glad I am.

Mrs Dombrowsky: Those would be all of my questions at this time.

Mr Tony Martin (Sault Ste Marie): You're leaving the social benefits tribunal?

Mrs Dodds: Yes.

Mr Martin: Is there any particular reason for your moving on and leaving that position? You were appointed in 1995 and now you're taking a new appointment.

Mrs Dodds: I've had six years on the one tribunal and I'm looking forward to using my skills in a new and very

different capacity. They say change keeps a person young.

Mr Martin: Is the new appointment full-time?

Mrs Dodds: No, it's part-time.

Mr Martin: From talking to some of my constituents in Sault Ste Marie, there's been a change in approach, according to them, over the last couple of years where the activity of this particular board is concerned. They feel quite harassed. They tell me that they're carrying on a very legitimate business, they're running an establishment that serves liquor to people, but it seems now, because of the emphasis of the government on cracking down on illegal activity, that everybody is suspected of being involved in that kind of activity. So there's this blanket of surveillance that is happening which is interfering with their ability to make a living and actually do their job. Is that something that concerns you at all or something that you have had any briefing on in preparation for your appointment to this board?

Mrs Dodds: I have had no briefing on it prior to this meeting. I did have a small experience with it when I was still on city council in Thunder Bay. As I mentioned in my opening remarks, we did work with the LLBO at that time to increase enforcement, and it was successful to some extent in improving the environment of a particular part of town. At that time the new inspector was criticized by some of the more legitimate establishments for also inspecting them for what they considered to be very minor infractions.

My role as a councillor was simply to facilitate a meeting between the chief inspector of the LLBO and the various hotel managers who were concerned, and they worked it out among themselves. I said then and I would say again that the laws are there. They cannot be applied with discrimination; that is, all have to be treated equally under the law. If they are being harassed, then one must consider whether they are actually complying with the law. If they are complying with the law and have nothing to hide, then I don't know that increased polite inspections could be a hardship or could interfere with their ability to do business. If there is some other dimension to that complaint that I'm not aware of, then I would certainly want to hear more details about it, because I believe it's important that all persons engaged in law enforcement in Ontario should treat the public with respect but that they should apply the laws fairly, in the same way, to everyone.

1020

Mr Martin: You were fortunate in that you were able to get the liquor inspector to a meeting. I had a meeting with our local proprietors, who were expressing some grave concern about what they felt was very clearly harassment. I tried to convene a meeting, but the inspector felt it wasn't appropriate for him to attend that kind of meeting and referred me higher up. So I wrote a letter to the minister about it and there's been some back-and-forth. They complain of things like entrapment. What's your position on that, where somebody comes in and presents as a customer and orders a drink that he

knows a bartender should not be willing to serve to anybody? Too much liquor in one glass, apparently, is against the law and those kinds of things. You know what entrapment is?

Mrs Dodds: Yes. It's a normal part of any undercover operation, I would think.

Mr Martin: And you think that it's perfectly appropriate or right that different inspectors should be able to go into an establishment and do that kind of thing?

Mrs Dodds: I'd have to know the specific instance that you're referring to, but under normal circumstances, I don't know of any way that a liquor inspector can properly assess how a place is run unless he pretends to be a customer. In fact, one of the problems with the liquor law enforcement techniques is that in some bars and in some towns or in some parts of some towns, any stranger entering the door is immediately spotted as someone from law enforcement. As you know, illegal activities can be very quickly covered up when it is known that there is an officer on the premises. So one of the problems is that you might know from hearsay that things are going on in a particular place, but actually getting the evidence and getting the law enforcement officer to witness it and to then lay charges can be extremely difficult. In some cases, it's also dangerous. I have great respect for the officers in all agencies who operate undercover. I don't think it's a very safe job.

Mr Martin: What they're claiming is that some of the illegal activity that the government wants to crack down on is not in fact what they're after when they're coming into their establishments; it's minor infractions that happen from time to time. Bartenders can be as vigilant as all get-out and work as hard as they can to cover every possible scenario, but at the end of the day, you can only hire so many bartenders or servers or security until it becomes unprofitable for you. The sense is that that's what they're being driven to because of the increased activity of both the police and this board and its employees.

Mrs Dodds: Having been in the business sector for years, I think you have raised with me an issue that I will find out a lot more about in respect to that.

Mr Martin: There's another issue perhaps that you could comment on for me. It was an issue that was brought to my office just a week or so ago. It may not seem like much to somebody who may not be on a regular basis in licensed establishments or running one, but it's illegal to bring your drink into the washroom.

Mrs Dodds: Never having tried to do that, I didn't know that.

Mr Martin: Yes, it is. The problem that's identified is with the proliferation of all kinds of interesting drugs now out there, like the date rape drug for example. If you leave your drink for a minute to go to the washroom, by the time you come back you don't know what could be done to it. So you either down it, which could create its own problems, I guess, or you leave it there, go to the washroom, come back and then not know.

This particular individual, and I think he was speaking on behalf of a number of proprietors, is claiming that not being allowed to carry your drink with you into the wash-room is a bit over the top and is creating problems in this other area that are hard to police and manage.

Mrs Dodds: The role of the AGCO is to enforce the regulations that already are on the books. Therefore, I don't anticipate that my job would involve rewriting those rules. That would be a matter for the Legislature, I think, to enact and then the AGCO would enforce them.

Mr Martin: OK. Thank you very much.

Mr Frank Mazzilli (London-Fanshawe): Just a couple of minor questions. I think Mr Martin brought out some good points and some points that probably should be visited. Often in the enforcement, one offence, obviously, that comes to mind, whether the Alcohol and Gaming Commission or the police, is serving an intoxicated person. Some places are blatantly serving people who should not be served and some bartenders blatantly do that. In other establishments it's hard to control. Someone may have walked in from across the street and perhaps had already had a certain amount to drink and is served the one or two drinks that put him or her over the top and that bar owner and the server and so on find themselves in extreme difficulty. That is one that obviously you'll be dealing with a lot. It's difficult, because we all do not want people who are blatantly doing something, but you also do not want to make a victim out of someone who, as Mr Martin said, is trying to run a legitimate business in a profitable manner and being shut down for an infraction like that.

Mrs Dodds: It's a question of striking a reasonable balance, isn't it?

Mr Mazzilli: The one thing that I will say about the Alcohol and Gaming Commission, especially on the gaming component of it, because the Chair is so interested in this subject, is the government now has an obligation. It's a \$5-billion corporation that is run. Approximately \$2 billion are left to government revenues for health care and education and some of the other programs that we need. But aside from that, on the \$3-billion side in expenditures, some of that goes to Trillium, some goes to support the agency itself and the good works. So I think at this point the challenge is continuing that agency in a successful manner. I think there's an obligation to the employees to do that and an obligation to Ontarians to do that. To not support a corporation of that size that employs so many people would be difficult, I would suggest, at this stage in the game. That's my only comment. Thank you for appearing before us.

Mr Jerry J. Ouellette (Oshawa): Thank you for your presentation. The only thing I would say is that having seen the work you've done in the past and the good job you did there, I don't see any reason that I would vote against your appointment.

In the event that you are successful in this, should you have an opportunity to review policies, I have some concerns, as Mr Martin stated, in regard to the consistency between individuals. For example, in my riding,

knowing there are always two sides to a story, I regularly hear the one side, but you will have the opportunity to hear the other sides of some of those issues when they come up in review, whereby an individual is charged because of the location of the liquor licence. When he moves it to another location, a different inspector comes in and then charges him again because the liquor licence is in the wrong location, where the first inspector said he needed to put it.

1030

What I would ask you to do is make sure there is consistency between the inspectors. In a review of cases like this obviously there are costs incurred by the individuals. We need to make sure that there is streamlining, to make sure that there's consistency between individuals and possibly a review of the recommendations made by previous inspectors to make sure that there is constant continuity between the two.

The Chair: Thank you very much for being with us, Mrs Dodds. I believe that completes the questioning. You may step down, as we say, and we'll move to our next appointment.

TED SALCI

Review of intended appointment, selected by official opposition party: Ted Salci, intended appointee as member, Alcohol and Gaming Commission of Ontario board of directors.

The Chair: The next appointment is Mr Ted Salci, who is an intended appointee as member, Alcohol and Gaming Commission of Ontario Board of Directors. Welcome to the committee, Mr Salci. As I indicated earlier, you have an opportunity, should you choose to do so, to make an initial statement and then we will have up to 10 minutes of questions from each of the political parties represented on the committee.

I was just going to say for Mr Mazzilli a moment ago that he's fortunate we don't have the Family Coalition asking questions on this committee, because they are not represented around the table. Mr Mazzilli and I just have this little thing about these matters.

Mr Salci, you're welcome to be with the committee today. We welcome any comments you might have.

Mr Ted Salci: Good morning, Mr Chairman and committee members. Thank you for the opportunity to attend before you this morning to review my intended appointment to the board of directors of the Alcohol and Gaming Commission of Ontario.

I am joined today by my wife, Sharon. We have been married for 25 years and have two children: Cara, our 20-year-old daughter, who is a third-year biomedical science student attending the University of Guelph, and a 17-year-old son, Ted, who is in grade 12, attending St Michael High School in Niagara Falls.

I was born and raised in the city of Niagara Falls, and upon the death of my mother, Lillian, I left university and entered the real estate profession at the age of 21. I quickly earned my broker's designation at the age of 25

years, and I founded R.T. Salci Real Estate Ltd in 1975. During that time I also earned and was awarded the designation and title of FRI, or fellow of the Real Estate Institute of Canada, along with the distinguished designation of the American National Association of Realtors as a CRB, or certified real estate broker.

Business grew, and through much hard work and determination I employed a staff of more than 40 individuals, with an annual budget of over \$2.5 million. My daily responsibilities included the administration and motivation of sales associates, mortgage financing, contract negotiations, client counselling and business development. Over that 25-year period the company grew to become one of the major independent real estate firms in the Niagara Peninsula. In the year 2000 I was approached by a national franchise company and I sold the business in May of that year. I am now working as an associate broker with the new firm.

During my business career, I was always aware of the need to be involved in my community. As you can see in my resumé, I have served on many boards and committees. From my early days as a Jaycee to my current service in the Rotary Club of Niagara Falls Sunrise, I believe that such involvement not only adds to self-improvement but hopefully makes our community a better place to live.

My personal rewards have been numerous, only to be highlighted this past spring as a recipient of Rotary's Paul Harris Fellowship, which was presented to me personally by the world president of Rotary International for my service to my club.

I have just completed a three-year term as a member and vice-chair of the Niagara Regional Police Services Board, where I served as chair of licensing and also assumed responsibilities on the human resources committee that involved contract bargaining, the hiring of personnel and collective agreement appeals.

I have learned that listening and good communication are essential qualities and required requisites to serve on this board. I feel that I have earned a great deal of experience in both my business and community involvement, which I believe makes me a suitable candidate for your consideration to serve the citizens of Ontario as a member of the board of the Alcohol and Gaming Commission.

In closing, I wish to thank you for allowing me to appear before you today, and I would be pleased to answer any further questions that you may have.

The Chair: Thank you, Mr Salci. We will commence our questioning today with the third party, in this instance Mr Martin.

Mr Martin: Thank you for coming this morning. Obviously that's a fairly impressive background of public service. Why at this time this particular board?

Mr Salci: I guess I was looking at a challenge further abroad, where I thought my background would be ably used to serve the citizens of Ontario.

Mr Martin: It's nothing to do with the fact that there's a big casino being built in Niagara Falls, and some of the activity that might accrue there.

Mr Salci: No.

Mr Martin: Is this a full-time position?

Mr Salci: No, it's part-time.

Mr Martin: Is there remuneration that goes with it at all?

Mr Salci: I believe there is.

Mr Martin: What would it be?

Mr Salci: I understand, from the information I have off the Internet, it's a per diem. I believe it's around \$200 per day.

Mr Martin: While you serve as a member of the board?

Mr Salci: Yes.

Mr Martin: What kinds of things do you expect you'd be doing as a member of that board?

Mr Salci: I anticipate that the duties, from what I see, would involve attending hearings, either with related gaming matters or alcohol regulatory matters.

Mr Martin: You've heard the Chair of the committee reference a concern he has with the proliferation of gambling across the province. It seems at this point sort of willy-nilly. At one point there was some sense that it was going to be managed and careful and thoughtful as it moved forward, if it was to move forward at all. There are people out there, organizations, who are monitoring this, who share with all of us who have responsibility as members of government that the proliferation and the growth in the number of, for example, slot machines out there is getting to a point now where it's almost unmanageable. Short of trying to speak to this government about being thoughtful in that respect, your board is charged with the responsibility of making sure that at least those establishments that are set up follow some of the rules and guidelines so that people aren't unduly hurt by this activity. Is that a concern of yours, as you move into this area of work?

Mr Salci: Yes. As an intended appointee, if I were successful in the appointment I would be sensitive to those matters. I certainly understand that our matter is to deal with the regulation; I wouldn't have anything to do with policy, which is established by the government, but I would certainly be sensitive to those matters.

Mr Martin: You're aware, certainly anybody who lives in a community with a gaming operation, a casino, that many people are getting hurt. There are people losing their homes, losing their livelihoods, losing their families because they're becoming addicted in many ways to this behaviour. Is there anything that you think this board could be doing or should be doing to intervene there so that fewer people are being hurt in this way because of government-run operations—on the one hand, yes, to take money and put it into good causes, but on the other hand to be taking it away from people in a manner that destroys them and actually makes them, then, ultimately the recipients of some of the services offered by those institutions that are funded from the money that flows from these operations?

Mr Salci: Again, I believe it's a matter of policy with respect to the numbers of casinos or slot machines that

you talked about earlier, but I certainly would be sensitive to the problems of excesses. You would hope that people are responsible in their efforts, whether they're driving, drinking or gambling, but I guess in an ideal world we would hope that the individuals involved in an activity wouldn't go to extremes. Unfortunately, that doesn't happen in real life. Again, I'm sensitive to it. There are certainly, as you know, measures involved to assist these people if they want the help, but further than that, again, I wouldn't be involved in making the policy, only enforcing the regulations, from my understanding of the position.

1040

Mr Martin: But I'm sure you would have some influence in that, as a board member, recognizing trends or patterns developing in some of the areas where you have to make decisions. Ultimately as a board you would sit down with government and make some recommendations as to some ways that they might make your job easier in terms of policy.

Mr Salci: If asked my opinion, I would certainly volunteer my experience on the job and what I have found to date. As I said, I am aware of certain circumstances that have prevailed in our city. If it meant anything to the policy-makers, I would certainly offer my input.

Mr Martin: Do you think that we have too many gaming operations in the province?

Mr Salci: Personally speaking, I am aware of our Niagara situation. That's the extent of my knowledge with respect to the numbers. I can't speak to other areas, but it certainly has done wonders for the city of Niagara Falls.

Mr Martin: There are those who would say that the underpinnings of those wonders aren't worth the benefit, that the cost isn't worth the benefit.

It has been suggested to me that one way of perhaps making gambling establishments more responsible might be to introduce legislation similar to what's happening now in some of the liquor operations that makes the proprietor, although this becomes difficult when the government is the proprietor, ultimately responsible for any catastrophic damage to patrons. If somebody drinks in a bar and goes out and gets into a bad car accident, the establishment that served him that drink can be sued in court and be found liable and responsible. Some suggest perhaps a law that would leave a gambling establishment responsible if somebody suffered catastrophic results, like lost their business or their home, by having participated and wagered too much in those establishments. Do you think that would be a good idea or a way to go to try to make those establishments perhaps more vigilant in terms of the kind of activity they allow patrons to get themselves involved in?

I know on the liquor side, the laws are being enforced very vigorously. For example, the casino in Sault Ste Marie is going to lose its ability to serve liquor for 10 days in September because they served somebody who had already had too much. I don't think there's anybody

who would disagree that that's probably a good thing to do. On the other hand, what if somebody gambles too much? Should there not be a way of detecting that and holding the establishment responsible, removing their licence for a few months? That might create more vigilance on their behalf.

Mr Salci: Again, I see that as a policy matter. The obvious concern I would have is that I would be acting to enforce policy and not to create it, so I wouldn't have an opinion on that. I would just do the job I was appointed to do in enforcing regulations, if those were in fact the regulations. I realize there are many implications that come into your remarks with respect to activities in the casino, whether they're affordable or not and excesses, but I really see that as a policy matter.

Mr Martin: I would hope that a government being concerned about these kinds of things—and they've certainly indicated that they are where illegal activity taking place in licensed establishments is concerned—would also concern themselves about the fallout or the result of or the damage created by gambling in the province and would turn to people like yourself, serving on a board that deals with these issues on a regular basis, because you will have before you instances, situations, circumstances that you will have to make a judgment about; that they would come to you and say, "What should we or could we be doing to stop this?" before it actually gets to your table, where you have to make a decision, so that we could be more proactive in that.

Again, I'm asking you, if in fact that opportunity arose or you had the opportunity as a member of a board to make recommendation, would the approach that I've just shared with you in the previous question be something you would personally be willing to entertain or look at?

Mr Salci: If asked my opinion, at the time and at that point having had some experience, I would be pleased to relate my experience again to the inquiry. At this point I wouldn't have any specific knowledge and I could only relate to the policy-makers, if requested, the experience I've had on the job and I would be pleased to convey our experience directly to them.

The Chair: Further questions? We now go to the government caucus.

Mr Bob Wood (London West): We'll waive our time.

The Chair: The opposition. Mrs Dombrowsky.

Mrs Dombrowsky: Good morning, Mr Salci. You've indicated in your background you attended Niagara University in New York. What degree did you attain?

Mr Salci: I was working toward my Bachelor of Science in business and I attended second year of university when my mother passed away. I left school at that point to engage in my real estate profession.

Mrs Dombrowsky: You've indicated you're a business person in the Niagara Peninsula. You have one very large casino in Niagara Falls and then the racetrack at Fort Erie. You've indicated in your comments already this morning that with the presence of these establishments the benefits to Niagara Falls have been tremen-

dous. I would expect that that's from your perspective as a business person. Do you think you might have any conflict of interest if you were to serve on the Alcohol and Gaming Commission?

Mr Salci: I don't think I would. In fact, I would be sensitive to the fact that if there were a conflict, I would refrain from sitting on any panel that would be hearing any matters of local concern. Being very active in the community, I certainly am sensitive to conflicts that could occur with a conflict-of-interest situation.

Mrs Dombrowsky: I was looking in your background. Do you have any political experience?

Mr Salci: Yes, I do.

Mrs Dombrowsky: Could you explain what that would be?

Mr Salci: I was a candidate in the 1981 and 1985 provincial elections.

Mrs Dombrowsky: For which party?

Mr Salci: The PC Party of Ontario.

Mrs Dombrowsky: Like the other two people we've interviewed today, you have been a provincial candidate for the Progressive Conservative Party. Do you think that perhaps that has worked in your favour for your appointment today?

Mr Salci: Not at all. That was so long ago and I've done so much in the community since then, I don't think that has—to me, actually it seems like it was 20-some-odd years ago when I first ran. But I have been so involved in the community and I think those are the attributes that I bring before you today in this committee.

Mrs Dombrowsky: Do you continue to be active in your association locally?

Mr Salci: Yes.

Mrs Dombrowsky: You are?

Mr Salci: Yes.

Mrs Dombrowsky: OK. I ask this only because I believe the other intended appointees today have put that on their resumés and it wasn't on yours, and it something that I think is important, that we would all understand that.

Have you had an opportunity to review the document—it's almost a year old now—Building Safer Communities?

Mr Salci: No, I haven't. I've heard about it. Through my involvement with the police services board I was aware of the document that existed.

Mrs Dombrowsky: That it was a combined effort with consumer and commercial relations and the Solicitor General.

Mr Salci: Yes.

Mrs Dombrowsky: It was to do with building safer communities. There were a number of recommendations that, of course, would impact or would require some change to the Liquor Licence Act. Those changes would be with regard to licences, grounds for refusing to grant licences, making those broader; also broadening the grounds for suspension and introducing the opportunity for short-term suspensions that might relate to situations that I made reference to with the previous appointee, the

fact that when charges are laid there can be some time pass between the actual laying of the charge and the hearing. This is a point of great frustration, of course, for people on the front line.

So there is a document that has brought forward recommendations for the government to act upon and amend the Liquor Licence Act so that we might be able to build safer communities. This report was issued in October of last year and, to date, the government has not acted on it. Would you have a comment about that?

1050

Mr Salci: Just a personal perspective, Mrs Dombrowsky. Again, I would be supportive of anything that would prevent the ongoing illegal activities in a licensed establishment. Having said that, I would be encouraging, to the extent of my authority, the board or the commission to deal with matters as promptly as possible. I understand the frustrations that law enforcement officers have when they appear before the courts or when they try to close an illegal operation. So I wouldn't condone the illegal activity in an operation like that as a regulator. Again, referring to the fact that it would be as a regulator and not as a policy-maker, but within the limits of the policy and with due process being afforded to the individuals involved, I could see dealing with this matter expeditiously.

Mrs Dombrowsky: With regard to community safety issues, in your opinion, would it have more priority than some of the other issues that have been referenced here this morning when you consider the placement of a liquor licence? I guess for me as a representative of the people, I'm very frustrated to understand that there are those frivolous kinds of charges being made out there when there are issues that relate directly to community safety that perhaps are not being pursued as vigorously.

Mr Salci: I'm sensitive, again, to it. I have two children who are of that age, and I certainly wouldn't want to have them enter a premises where they were not going to be safe or where there were illegal activities going on. Within the limits of my authority, again as a regulator, I would deal with the regulations, hopefully encouraged by your comments that there may be changes that we could enforce. But as an individual and as a parent, I am certainly very sensitive to those as well.

Mrs Dombrowsky: Do you think you have any role on the Alcohol and Gaming Commission to perhaps offer advice or direction, encouragement? You're seeing what's being processed. Do you think you have a role to offer advice to the government that there are areas where there need to be change, some movement on, in the interests of the safety of communities?

Mr Salci: I think after a period of time and having some experience on the board, if requested by policy-makers, I would be more than pleased to offer my actual experience on the job and on the board directly to them for their consideration.

Mrs Dombrowsky: That would conclude my questions, Mr Chair.

The Chair: Thank you very much, Mr Salci, for being with us today.

JOSEPH MAVRINAC

Review of intended appointment, selected by official opposition party and third party: Joseph Mavrinnac, intended appointee as member, Ontario Civilian Commission on Police Services.

The Chair: Our next intended appointee is Joseph Mavrinnac, intended appointee as member, Ontario Civilian Commission on Police Services. Welcome to the committee, Mr Mavrinnac. As you would be aware, sir, you have the opportunity to make an initial statement, should you choose to do so, for up to 10 minutes. That's entirely the choice of the intended appointee. Subsequent to that, we will have questions of up to 10 minutes from each of the political parties represented on the committee. You may commence, sir.

Mr Joseph Mavrinnac: Thank you very much, Mr Chair. I apologize for the voice this morning, but I can't seem to clear something out of my throat.

I want to thank you for the opportunity to appear before you this morning to give a brief explanation of my qualifications as an intended appointee to the Ontario Civilian Commission on Police Services.

My successive appointments at the municipal, district, regional and northern Ontario levels, and finally in the provincial public services arena, have given me the opportunity to gather an abundance of experiences that make me suitable for such a role. I have been a police commissioner, a police services board member, an advocate and facilitator of a police adequacy study, a prime mover in the planning and construction of a first-class police operations facility, a major figure in the transition from a municipal force to OPP contract services, a member of a selection committee for both a police chief and the first detachment commander after an OPP takeover of policing services.

In public life, one must have earned a widely recognized level of respect and honesty. We hear a lot of transparency in aspects of government, and my record has always been one of accessibility, credibility and an acknowledged effort to bring the paramount aspect of fairness to all offices that I have held.

In reviewing the duties of an OCCPS member, those being decision-making, judging, adjudicating, inquiring, determining and generally overseeing the effectiveness and adequacy of police services in the province of Ontario, I feel that I am adept at fulfilling those duties. Membership in OCCPS requires a person who is experienced in the conduct of public affairs and has a history of adjudicating facts and opinions and making informed decisions based on facts.

OCCPS also needs a member who understands the uniqueness of northern Ontario. Northern Ontario is an extensive area that, sadly, is often misunderstood by Queen's Park. It is widely known that I have been a foremost interpreter and promoter for this vast region.

If appointed to this commission, I will be an ardent, diligent person who has habitually recognized service as a major component of his life. I want to thank you.

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

Mr Wood: We'll waive our time.

The Chair: The government caucus has waived its time. We will move to the official opposition.

Mrs Dombrowsky: Good morning, Mr Mavrinnac. I was certainly interested when I read your background in your role as mayor. You played an active role in trying to attract some business to the north, to the Adams mine. I was rather interested.

Mr Mavrinnac: I've been doing that all my life.

Mrs Dombrowsky: With regard to the Ontario Civilian Commission on Police Services, there is a concern, I'm sure you are aware, that as a result of some legislation in 1997, the police complaints commissioner no longer exists. It is now the police chief who, if there is a complaint about police conduct, makes a decision. There's great concern that you have a member of a police force making a decision about the activities or the actions of another member of the force, and it's very difficult for a civilian to appeal that. It's a rather lengthy process. You may be familiar with situations across the province where only after numerous appeals have situations actually received the full measure of investigation by a totally objective third party. Do you have an opinion on how effective the new system is?

Mr Mavrinnac: Amendments to the Police Act of 1990 and then the amendments to the Police Services Act, 1997, did away with certain areas of procedure for complaints, but the complainant still has the ability to appeal. Then, if it's a police force, he has an ability to appeal the decision of the police chief. Then he has an ability to ask for an appeal before the police services board. So I feel that there are steps there for a full investigation of the complainant's complaint. It's a streamlining of the Police Services Act of 1990.

Some feel that maybe the complainant has lost a lot of area for further appeals and processes, but I feel that it's adequate, because I have sat on these appeal boards. Something I would like to see the OCCPS do again is to go to northern Ontario to hear some of these appeals. The facility that I sat on back in those days, the decision was basically the same. As I said in my opening remarks, you deal with the facts, and the facts went through two appeal processes, then the third one; not that we rubber-stamped the former decisions, but we came to the same conclusions.

1100

Mrs Dombrowsky: In every case?

Mr Mavrinnac: No, the two that I—I'm not talking about what happened down here. There were many instances that I'm sure decisions were made and I'm sure some of them were overturned.

Mrs Dombrowsky: I'm curious with your comment that the process has been streamlined. I would only ask, for whom?

Mr Mavrinac: It has. It was streamlined because the Police Services Act had a process in there. They had a complaints commissioner, they had the integrity—I just forget the terminology. So those two were folded into the OCCPS mandate. Then the complainant has the right to appeal and then to go before the OCCPS commission.

Mrs Dombrowsky: Again, my question is, who has the process been streamlined for? The appellant?

Mr Mavrinac: I think there's a cost factor involved. The government streamlined it not to discourage complaints, because I said there were complaints, and there still are a lot of complaints. So it's just a matter of streamlining the whole process.

Mrs Dombrowsky: Did you have an opportunity to read the background material that was provided to the members of this committee?

Mr Mavrinac: Yes, I did.

Mrs Dombrowsky: So you are familiar with the case in Guelph where there was alleged police misconduct and a group of women went through a process, one which I would hardly describe as being streamlined. I appreciate when you would suggest there's a cost factor, but what is the price of good justice? Do we spare good justice in the name of cost efficiency? I'm asking you that.

Mr Mavrinac: That was the decision of the government of the day and that's what we, as members of police services boards, police chiefs or OCCPS, have to live by.

Mrs Dombrowsky: Yes, but does it not concern you that this group of women found the process—

Mr Mavrinac: Absolutely, it concerns me. Fairness is something that everybody wants in our society. But in the Guelph situation, I'm quite sure that case is very unique and it was a judgment call that had to be made at that specific point in time by the police because of the unruly conduct of the women or whoever was demonstrating. The facilities that they had were overcapacitated and then they had to go to another facility, and certain processes and procedures had to be followed. So these are things where, sure, in hindsight, certain other processes or procedures could have been done, but in that case, that is what evolved.

Mrs Dombrowsky: I wouldn't be prepared to make a comment about how unique this situation was, but I have to say that when I read it, it struck me right from the very first description of what had happened, that, in my opinion, there appeared to be a case on behalf of the women, and it wasn't until they pressed it, until the very end, that there was some justice for them, which I think is truly unfortunate.

I wanted to ask you, as well, about the most recent piece of legislation, Bill 59. It's an amendment to the Police Services Act that enables hybrid policing. Are you familiar with that bill?

Mr Mavrinac: I didn't hear the—could you speak a little louder, please?

Mrs Dombrowsky: Are you familiar with private member's Bill 59?

Mr Mavrinac: Not to any extent.

Mrs Dombrowsky: It is an amendment to the Police Services Act which would enable amalgamated municipalities, when considering engaging police services—probably you are familiar with municipalities where, when they have blended, one municipality would have engaged the Ontario Provincial Police and another municipality would have had their own force. So they've been faced with a very difficult decision of, "Is it one or the other?" In some communities it has created a real split. This bill would enable communities to, instead of making an either/or choice, blend the service. They may engage the OPP for a particular part of their jurisdiction and maintain a regional or a city force in another part. Are you familiar with that?

Mr Mavrinac: I am familiar with it, not that it happened in my jurisdiction, but I've heard that it has happened in other jurisdictions.

Mrs Dombrowsky: Do you have an opinion about its effectiveness? Do you see any complications that might arise within communities as a result of this and do you see any problems that might be referred to the board that you are an intended appointee on?

Mr Mavrinac: I'm sure there can be problems in any amalgamation or any type of combined service. What we got in Kirkland Lake when I asked for an adequacy study—at that time the Ontario Police Commission did a one-year study and at the end of the day there were 19 recommendations. We had to build a new police station. What happened there was that the detachment in Kirkland Lake was closed; the one in Virginiatown, 25 miles to the east of us, was closed; and the whole operation was centralized in the new police building in Kirkland Lake. It saved us about \$300,000 a year and it saved the government many more thousands of dollars because of the obvious.

Getting back to the amalgamation of townships, say, in regions where a town of over 5,000 people had their own police force and they amalgamated townships in the outer areas, then possibly they have one police service, maybe they have two. As I said at the outset, all of these situations are different. All of these situations are going to have their own kinds of problems, and it might be that some of these problems will come before the commission to deal with.

Mr Martin: Good morning.

Mr Mavrinac: Tony, how are you?

Mr Martin: One can't help but be impressed with the long history of public service that you've been involved in. Does this appointment mean that you're leaving your involvement in some of the other areas you're presently—

Mr Mavrinac: No, I'm not involved in anything at this moment. I was chairman of a fundraising committee for the retention and recruitment of doctors for northern Ontario but that was over at the end of July, so I have no involvement at all with any committee or commission.

Mr Martin: You're not on the Ontario Northland Transportation Commission anymore?

Mr Mavrinac: No. I served as the chair for the passenger service review committee, and that was over at the end of 1999.

Mr Martin: And you're finished with the realty corp?

Mr Mavrinac: The Ontario Realty Corp? I resigned, unfortunately, because my wife passed away. At that time I resigned because of her deteriorating health and I did not know that she would pass away suddenly, in a matter of two months. That is why I resigned.

Mr Martin: In terms of this particular appointment, I can certainly understand that you have a background, but why would you want to serve in this capacity at this particular time?

Mr Mavrinac: I didn't solicit this, to tell you the truth. I got a call from the Public Appointments Secretariat, if I would consider sitting on this committee. After due consideration, I said it was about time that I got involved in something and I said yes. That's why I'm before you today.

I feel that I can contribute. I have been doing matters such as this for many, many years. I've been blessed with good health and I feel that I can contribute.

Mr Martin: You mentioned in your opening your commitment to northern Ontario and some of the work you've done to be champion of that particular, wonderful part of this province. Given the very difficult economic challenges still facing your community and mine and others across the north, it seemed to me that a person with your background and experience would want to focus more on that than this particular opening.

Mr Mavrinac: I think that I can do quite a bit for northern Ontario sitting on the commission of OCCPS. I think there's a lack of transparency in the cost factor, as far as OPP policing is concerned. There is a variance of costs in different areas of the province. I know that the commissioner is looking into that matter, because it's been brought to our attention. A lot of the areas didn't pay anything for policing for many years. The cost was capped at \$90. There are some municipalities right now in northern Ontario that pay over \$450 per household. That, to me, is not fair.

1110

Another thing, talking about northern Ontario, at Northern College we had a First Nations policing course. Three years ago the Solicitor General of the day brought forth a foundation policing course. It was going to be a prerequisite for every police officer candidate for policing in the province of Ontario. For eight or nine years we had that First Nations course at Northern College and we had up to 45 or 50 students from Manitoba, northern Ontario and Quebec. They made excellent nominees for police forces: municipal, reserve police forces, the OPP. That course was dropped this year because of that foundation policing course. I would like to know exactly where that stands right now. I have no idea, but I will find out. So there is a lot of work that I can do for northern Ontario as a sitting member of OCCPS.

Mr Martin: Is it a full-time position?

Mr Mavrinac: Yes, it is. It meets several times a month. That's my understanding.

Mr Martin: Is there remuneration that goes along with that?

Mr Mavrinac: When I got the letter from public appointments outlining the functions, there was an attached piece of paper that stated \$15,000 a year.

Mr Martin: You understand, going into this, that it is a bit of a hornet's nest at the moment in terms of this whole question of civilian oversight and trying to balance the issue of support of police versus civilians' right to challenge and bring forward concerns and that kind of thing. There was a move in the 1980s to provide more civilian oversight. There's been a backing away from that under this government to give chiefs of police more leeway. Of course, there is still in place the SIU. It doesn't seem to matter what it does, it seems to attract some serious negative criticism, from the police associations in particular. Where do you stand on that issue? What's your position?

Mr Mavrinac: What was the question again?

Mr Martin: Civilian oversight of police.

Mr Mavrinac: I think I answered the question. The peer processes are still there. There's a lot more scrutiny now. Not only the chief but the force itself, the OPP, is under public scrutiny as they have never been before. I think the system they have in place right now is adequate to meet the needs of the complainant. I think at the end of the day everybody gets a just and fair hearing.

Mr Martin: Are you a supporter of the SIU?

Mr Mavrinac: I have had very little to do with the SIU. I have never had an occasion to witness or see or hear or be in the presence of one of their hearings.

Mr Martin: There's a very obvious and public dispute going on right now in Toronto between the chief and the association. Are you aware of that?

Mr Mavrinac: Not to my knowledge.

Mr Martin: The disagreement is over just how far one side can go in terms of, I guess, discipline, on the one hand, and supporting members and the activity of the association, on the other. Do you think that this board you're being appointed to has any role or responsibility where that kind of very public, and obviously disturbing to the public, dispute that's going on at the moment is concerned?

Mr Mavrinac: I think that discussion should be held within the commission and on the direction of the Solicitor General, if he deems it fit that we should look into those areas, then I'm sure we will.

The Chair: Thank you very much, Mr Mavrinac, for being with us today.

Mr Mavrinac: Thank you very much. I apologize for my throat again.

The Chair: That is something over which we have little control.

Mr Mavrinac: The worst nightmare of a politician; isn't that right, Mr Bradley?

The Chair: Certainly it is a nightmare. I don't know if I could say it's the worst, but certainly it is one of them.

Members of the committee, we will now deal with the intended appointments in our usual fashion of entertaining motions of confirmation.

Mr Wood: I move concurrence re Mrs Dodds.

The Chair: “Concurrence,” that’s the word we needed. Mr Mavrincac, you may step down and Mr Wood is going to move concurrence in—

Mr Wood: I move concurrence re Mrs Dodds.

The Chair: He has moved concurrence of the intended appointee as vice-chair, Alcohol and Gaming Commission of Ontario board of directors, Evelyn Dodds. Any discussion?

All in favour? Opposed? The motion is carried.

Mr Wood: I move concurrence re Mr Salci.

The Chair: Mr Wood has moved concurrence for R. Ted Salci, intended appointee as member, Alcohol and Gaming Commission of Ontario board of directors.

All in favour? Opposed? The motion is carried.

Mr Wood: I move concurrence re Mr Mavrincac.

The Chair: Mr Wood has moved concurrence for Joseph Mavrincac, intended appointee as member, Ontario Civilian Commission on Police Services. Again, any discussion? If not, I’ll call the vote.

All in favour? Opposed? Motion carried.

Any other business of the committee, Mr Wood? The light went on in front of you. They must think you’re going to move adjournment.

Mr Wood: I move adjournment.

The Chair: Mr Wood has moved adjournment. All in favour? Opposed? The motion is carried. Thank you very much for being with us today.

The committee adjourned at 1117.

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