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**Official Report
of Debates
(Hansard)**

Wednesday 24 October 2001

**Journal
des débats
(Hansard)**

Mercredi 24 octobre 2001

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Wednesday 24 October 2001

Mercredi 24 octobre 2001

The committee met at 1003 in room 151.

SUBCOMMITTEE REPORTS

The Chair (Mr James Bradley): Our first item on the agenda is the report of the subcommittee on committee business dated Thursday, October 4, 2001.

Mr Bob Wood (London West): I move its adoption.

The Chair: Any discussion? All in favour? Opposed, if any? Carried.

Next is the report of the subcommittee on committee business dated Thursday, October 11, 2001.

Mr Wood: I move its adoption.

The Chair: Any discussion? All in favour? Opposed? Carried.

Next is the report of the subcommittee on committee business dated Thursday, October 28, 2001.

Mr Wood: I move its adoption.

The Chair: Any discussion? All in favour? Opposed? The motion is carried.

INTENDED APPOINTMENTS

ALAN MERVIN

Review of intended appointment, selected by the official opposition and third parties: Alan Mervin, intended appointee as member, Ontario Rental Housing Tribunal.

The Chair: We now commence our appointments review. The first is the intended appointee as member, Ontario Rental Housing Tribunal, Alan B. Mervin.

Mr Mervin, you may come forward. As you may be aware, you are permitted to make an initial statement, should you see fit. That's entirely your choice. Then there will be questions from the committee. They're allocated, I think, 10 minutes apiece for each of the political parties. Welcome, sir.

Mr Alan Mervin: Thank you for the opportunity, allowing me to speak with you today. I am pleased to be considered for this intended appointment to the Ontario Rental Housing Tribunal. I understand you've been provided with a copy of my resumé for your review.

I believe that my experience in the various areas of law in which I have practised, together with the advocacy skills, the dispute resolution techniques and experience I've managed to acquire over the years of practice, would allow me to bring to this tribunal qualities that would greatly assist me in carrying out the duties of an ad-

judicator. I hope they would allow me to make a significant contribution in dealing with the heavy caseload that tribunal has to deal with.

I am 52 years of age. I attended school here in Toronto and I grew up here. I graduated from York University with a bachelor of arts degree, major in sociology, in 1971. I then attended the University of Windsor law school from 1971 to 1974 and I received my LLB from that institution. While I was at the University of Windsor the university opened its first community legal services clinic. I was one of the first group of students selected to participate in that clinic during the last part of my third year, which was its first time of operation. At that clinic a large part of the caseload was landlord and tenant problems from the less-privileged segments of society, and I had an opportunity to participate in that process.

I returned to Toronto to article with the firm of Rotenberg Wilson, where I learned the basics of immigration law. Mr Rotenberg was a successful immigration lawyer and I tried to learn and appear with him on many hearings before the Immigration and Refugee Board; actually, it was the Immigration Appeal Board at that time.

After my call to the bar in April 1976, I worked with Gary Segal, another immigration lawyer who conducted a large immigration practice in Toronto.

In 1977 the Ontario legal aid plan, part of the Law Society of Upper Canada, began a pilot project of full-time duty counsel. Duty counsel were previously private lawyers who were retained on a per diem basis to assist unrepresented people, some of low means and people who weren't experienced with the court system. That was replaced on an experimental basis with young lawyers hired full-time to represent these people, and I was one of the first hires. We assisted, we advised and we represented many unrepresented persons. As the program turned out to be both cost-effective and provided greater delivery of legal services to more people, it was expanded two years later to encompass the suburban courts in Toronto, in Scarborough, Etobicoke and North York, expanding to 18 lawyers.

During this time in the front lines I became acutely aware of the problems facing less-privileged citizens of our society. Homelessness, housing, alcoholism issues were certainly great contributors to the problems we had to deal with.

When the program was expanded, I became assistant director of that program under the director, John

Weisdorf. Two years later, after that, I was still with legal aid and I was promoted and given authority over the entire criminal section of legal aid in York county, as it was then, reporting to the area director. I had administrative decisions, the opportunity to grant legal aid, to assess cases and to chair the area committee, which dealt with appeals.

From that time on, in 1980 I moved to private practice. I returned for a period of time with Gary Segal, whom I'd been with earlier, and did some immigration work. I joined the chambers of—as he is now—Mr Justice John Hamilton. There were, I think, eight lawyers in that firm. When an opportunity came to join that, I went there quickly. I remained associated with Mr Justice Hamilton until his appointment to the bench in, I believe it was 1992. During that time, my practice was split primarily between criminal trial work and advocacy at the Immigration and Refugee Board. I argued cases both at the inquiry level, the first instance, and many hearings before the Immigration and Refugee Board.

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In 1998 I was invited to teach at Seneca College, where I taught a variety of courses. During that time I also was able to enrol in the mediation, and later the advanced mediation, courses offered by the University of Windsor in conjunction with Stitt Feld Handy Houston. I received certificates in both of those courses.

In 1999 I joined the firm of Himelfarb Proszanski. At that firm I handled whatever criminal cases came into the firm. I learned personal injury litigation, which I had an interest in but had never had an opportunity to really practise. I also took part in some commercial matters that came through the firm. During that time I also received an appointment by way of order in council to be a per diem crown attorney, which is a crown attorney on a day basis. I still do that occasionally in Newmarket when they are short full-time bodies.

I hope that my experience and skill set fits within the selection criteria, which I have reviewed and which were outlined in the package provided for the interview with the tribunal. Those criteria included judicial and decision-making skills; legal, technical and program knowledge; developed interpersonal skills; demonstrated communication skills; and the ability to determine priorities and to work under pressure.

I don't believe I have any conflicts of interest, having reviewed the guidelines, that would affect my appointment.

I'm also able to work flexible hours, which I believe was one of the points that was stressed, and I'm available and enjoy travelling. I'm willing to participate in any performance review or evaluation and improvement programs, which I understand are a part of the tribunal, and I indicated that to the chair of the tribunal at my interview.

I should mention that I don't belong to any political parties, or I don't have any political associations. I don't know if that helps me or hurts me here this morning.

Lastly, I believe I bring to the table, together with my skill sets in advocacy and legal training and legislation analysis, some common sense and, I hope, an open mind.

I would enjoy the opportunity to be of service to the community if I do get this appointment.

The Chair: Thank you very much, sir. Now we'll commence the questioning with the official opposition.

Mr Michael Gravelle (Thunder Bay-Superior North): Good morning, Mr Mervin. Welcome. You indeed do seem to have some very special qualifications that hopefully will be very useful in this role that you will likely be taking on. May I ask you, are you familiar with the rather large changes that have gone on in terms of the legislation in the province? I'm referring specifically to the Tenant Protection Act, which obviously brought about the Ontario Rental Housing Tribunal. Are you familiar with the act?

Mr Mervin: I'm familiar with the act. I've had to review that. I've had an interview already with the chair and the two vice-chairs. I was sent an extensive package of material to review: the legislation, the practice rules, the conflict guidelines. While I haven't really practised it, I am familiar with it as one can be, having read the legislation and not having had a chance to be in the forum.

Mr Gravelle: Can you offer us any thoughts in terms of some of the concerns that have been expressed, for example, about the fact that the landlord now issues the eviction notice? There have been some real concerns expressed that the tenant is not necessarily, we think, protected in the manner he or she or they probably deserve to be from the point of view of the fact that they are not always aware that they must respond within five days. Some people think there's an obligation, or at least that it would be helpful, if the housing tribunal itself was also in touch with the tenant to help them understand the importance of what has just happened.

It seems in that sense, I guess, to make it easier for the landlord to be put in a position where they're under no obligation to inform their tenant of what their rights are. Do you have any thoughts about that? Obviously, given some of the history of where your work has been done, I would think that would be of interest to you in terms of the fairness.

Mr Mervin: Some of the concerns that have been expressed are with default orders being made against tenants who then allege they haven't heard of the process. The legislation allows me, as an adjudicator, to make a fairly detailed examination of the service process and make sure that there's no default order issuing without at least a reasonable assurance that the tenants receive notice.

I also think that the process gives the tenants a notice of hearing, and then an eviction order that follows that if they don't respond in default. Even if both those pieces of material come to the tenant outside of the time to file the dispute or whatever, the adjudicator still has the authority to allow those tenants, within a time period, to come before them and say, "I didn't know about this," and they'll reopen the hearing. So the legislation itself provides opportunity for the tenants to remedy it. It's not just one piece of paper that they get; it's more than one.

Now, as an adjudicator, I don't have any control over what processes the board would be able to undertake to

advise tenants. I know, in familiarizing myself with materials, that there have been a couple of projects where people have actually gone and called the tenants and advised them that there have been orders and they have to call the board right away and file their disputes in cases of default orders. I understand from reading—I don't know if it was in the newspaper—that less than 10% of the tenants who were so advised bothered to do anything about it.

While I'm certainly not in favour of a tenant being evicted when he doesn't have notice of the proceedings, I'm not sure that I can do anything about it as an adjudicator to assist in that process.

Mr Gravelle: Do you think it would make sense to extend the period of time—now the tenant must respond within five days, I think is the law—to a longer period of time? In many circumstances, that is something that either tenants aren't aware of or they certainly aren't able to respond within that time. Make it a two-week period, for example.

Mr Mervin: But I think that's why the legislation provided for a fairly liberal set-aside period, where in fact the tenant has another 10 days after a default order to come back and say, "I didn't know about this, and I want to defend the action." If they do that, in fact they have gotten that extension. To make it in the first instance—I don't know what original policy considerations were discussed when the legislation was passed, but I don't think the five-day period came from the air. I'm sure there was a good discussion about why to do that. Probably it was a standoff in terms of streamlining the proceedings and then making sure that those tenants who came forward and said, "I don't know; this order has been made against me," had a time period where they could come to the board and say that. I think that, and I don't know.

Mr Gravelle: One of the concerns that we've all had, at least I'd like to think we've all had, since the Tenant Protection Act came into effect is the fact that in essence it's the end of rent control, from the point of view of the fact that there's a huge turnover. There's an acknowledgement that every five years there's a 70% turnover, regardless of the situation. One of the concerns that has been expressed is that there now is an incentive, obviously, for the landlord perhaps to remove a tenant for other than legitimate reasons, from the point of view that they can then of course put the rent at whatever level they wish or whatever the market will bear. Do you have any thoughts on that? Have you heard of instances where that has happened? Certainly we think that is the case, and it's a concern we have. Ultimately I think it does signal the end of rent control in that sense.

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Mr Mervin: As an adjudicator, I'd certainly always be aware that there is a possibility that landlords would be bringing cases where I'd have to look very carefully at what they were asking for and make sure that it wasn't an application disguised to evict a tenant and raise the rent. But having said that, I would hope that my skills would

allow me, most of the time any way, to determine whether it was a legitimate application.

As I understand the new legislation, while it has lessened rent control, that it's not tied to the unit any more but it's tied to the renter, people who do stay in their apartments still have the protection of rent controls. I understand there's a turnover. I would have thought that the spirit of the legislation, and I think the reason they did that, was to protect the rights of long-term tenants perhaps, people who weren't transient. Quite frankly, I think as an adjudicator I don't have a lot of say in the policy, but I do have a lot of say in—

Mr Gravelle: I wanted to ask you one more question; I don't want my time to run out. I'm a member from northern Ontario, from Thunder Bay-Superior North. One of the concerns that we have up there in terms of the Rental Housing Tribunal is that it's very difficult to get oral hearings, the actual tribunal hearings, in Thunder Bay. There is a tendency, and I think it's all across the north in fact, to do it by electronic hearings, do it by video conferencing. As much as I think probably in the most simple cases that's acceptable, there's a number of examples where I think the tenant needs to have the opportunity to have that hearing.

I guess what I'm asking you is to lobby, if you are approved, and to speak to the tribunal. I think it's important that we give people the opportunity to have oral hearings in a setting in their own community, because I think there's a huge disadvantage—I guess I would call it discriminatory—for those of us who live in the north. They are not given an opportunity. So I'd love your thoughts on whether or not you think that's a legitimate request. Certainly it's something that I have been lobbying for and will continue to lobby for, because I want, obviously, people in our part of the province not to be treated differently simply because of distance.

Mr Mervin: Certainly I think the legislation was intended to give people oral hearings. I'm not that familiar with the procedure in the more northern communities, even though I was born in Kirkland Lake; I haven't been there for a long time.

Mr Gravelle: They tend to want to do electronic hearings. That's what they've been trying to do.

Mr Mervin: As I say, I don't know the policy issues that dictated that. I do think, and I could be wrong, that the legislation would allow for an application for an oral hearing, if the circumstances merited it.

Mr Gravelle: I think it does, but I don't think it happens very often. I think we tend to get turned down for it more often. When I say "we," I'm talking about my constituents. I guess I hope that you'll support the need for an oral hearing, regardless of what part of the province it's from.

Mr Mervin: Certainly I don't make those decisions, but if I was asked for an oral hearing and I thought it was merited, I'm sure that I would make the appropriate requests and do what I could.

The Chair: We move to the third party.

Mr Tony Martin (Sault Ste Marie): Welcome this morning. I've been listening attentively to your answers to the member for Superior North-Thunder Bay. He certainly raises a number of the issues that we have concern about where the change in the act is concerned and also some of the trends we're beginning to see. We've been provided with research here this morning that indicates that in 1998-99 eviction orders were issued without a hearing; people don't show up.

Mr Mervin: Default orders.

Mr Tony Martin: Yes, for the tenant, in 56% of all eviction application cases. That's huge. This rate increased to 61% in the year 2000. I don't know what it is in 2001. We seem to be on an upward tangent here, and that's troubling. You suggest that you would do everything you could to make sure that in fact tenants were being informed about these things and given ample opportunity to appear. A report that was done by the Parkdale Community Legal Services suggests that the time between a notice and attendance requirement to respond be increased from five days, as it is now, to a couple of weeks, I believe.

Mr Mervin: Fourteen days.

Mr Tony Martin: Fourteen days, yes. What would your position be on that? I got a sense from what you answered to the member from Thunder Bay-Superior North, but what could you as an individual on that tribunal do to effect some change so that these troubling trends don't continue?

Mr Mervin: I don't think I have any authority. The time periods that were framed, as I said before, were framed by the legislators and my job as an adjudicator is to work within those time frames.

Having said that, I certainly would make sure that to the best of my ability no default orders were issued where I had any sense at all that the tenant didn't have notice, because in support of those default orders has to be material presented in front of the adjudicator that proper notice was given, either a personal service or an affidavit of service. Outside of an outright lie in those materials on their face, I would make sure I conducted a proper examination to make sure I was satisfied that the tenant was notified of the proceedings before the order was launched.

I also think that as an adjudicator I'm entitled to weigh on a set-aside motion when the person comes before me and says, "I didn't know this order was made against me." On a set-aside motion, I think I have jurisdiction and some discretion to examine what they tell me. If they tell me they didn't get notice, certainly I'm going to allow them to have a hearing. In fact I think what appears to be a five-day period is actually longer. It's at least 15 days, where a person who comes in late and says, "I want to defend this thing and I've got a defence to it and I didn't know about it," gets a chance to be heard.

Mr Tony Martin: Are you aware of some of the trends out there in terms of people being evicted at an historically record high pace, literally hundreds of people a day, families out on the street? Are you aware of that?

Mr Mervin: I haven't read the studies, but I'm aware. I've seen some synopses of what's been done and I am aware there's been an increase in evictions. On the other hand, the economy is changing. I don't think those can be directly attributed to the rental housing tribunal just churning out evictions. I think there are a lot of other reasons why people can't afford to pay their rents that weren't there historically, and it's unfortunate. It's a hard time out there for people. Rents have risen and there are a lot of people out there who used to be able to, who have lost their jobs. I think all those other factors contribute to the rising rate of evictions, not just the process.

Mr Tony Martin: You seem to have some understanding and empathy with that group of people. I look at your resumé and recognize you've spent a lot of your time practising law. In terms of the practise of law, what percentage of your time was spent acting on behalf of people who were not part of the establishment, let's say?

Mr Mervin: Probably 80% over the years. A lot of my clientele were of the criminal element. I had a street practice for a long time. The rest of it was refugees, new Canadians, people coming to Canada making refugee claims who were of modest means.

Mr Tony Martin: That would suggest you would understand some of the issues they're facing.

Mr Mervin: I think I understand some of the issues, not being there myself, but I've done a lot of work with people and I think I have an understanding, to some extent, of the issues they're facing.

1030

Mr Tony Martin: I was in Ottawa in June and we had somebody come before the forum I was presiding over called the People's Parliament on Poverty to say there was a feeling among those who were in positions of authority that in fact ethnic groups weren't falling into poverty at the same rate as the rest of the community. What this woman who came forward suggested was that's because a lot of the refugees, particularly, who are coming into the country, in the Ottawa area are being housed in sort of barrack-type facilities, with several people to a room, several families to a building and that kind of thing. Have you acted on behalf of any of those folks?

Mr Mervin: I haven't heard anything about the barrack types. I know that when I was doing refugee cases there were a lot of people who, after they were released from detention, would move to a house and a lot of the addresses were familiar, but once I'd finished the initial release process, I didn't really deal with their housing situation. So I have to say I'm not really familiar with that.

Mr Tony Martin: There's a statistic that indicates that applications to evict for arrears in rent between 1998, 1999 and 2000 increased by 6%, and that applications to evict for non-arrears reasons, for example, disturbance, the owner or family member wanting to occupy the apartment themselves, those kinds of reasons, increased by 21%, a significant difference.

Mr Mervin: From what time period, though? Was it before the new act?

Mr Tony Martin: That was after the act, between 1998, 1999 and 2000. Any idea why that would be?

Mr Mervin: I would only be guessing. We're talking about applications, not successful applications. In some instances the landlords were testing the waters of the new legislation, I suppose. Part of the mandate of the new tribunal was to give access to the system more quickly and, I would think, more easily. I remember from the limited experience I had in landlord and tenant matters that in the old days the big complaint was how long it took to get to court, how much money it cost to get there and how slowly the process went. Perhaps the legislation has given speedy justice some oomph to make these applications where it wasn't there before, but I'd only be guessing, as I haven't really been in the tribunal and I'd have to be there, I think, to see what the trends were.

The Chair: Mr Martin, you were just getting wound up and I'm afraid your time is up. You were probably going to ask a question on the impact of condominium conversions on the availability of rental housing, but we're out of time. I have to move to the government caucus.

Mr Wood: We will waive our time.

The Chair: They've waived their one minute.

Thank you very much, sir, for being with us, and you may step down.

Mr Mervin: Thank you.

Mr Tony Martin: I think they should ask the question.

The Chair: They have waived their time and I accept exactly what they said. Thank you very much, sir.

Mr Bert Johnson (Perth-Middlesex): Thanks for your suggestion, but if I have a question, I'll ask it.

The Chair: Exactly. Mr Johnson will choose his own questions.

JOHANNE MORISSETTE

Review of intended appointment, selected by the third party: Johanne Morissette, intended appointee as member, Board of Inquiry (Human Rights Code).

The Chair: The next person we are dealing with is an intended appointee as a member of the Board of Inquiry (Human Rights Code), Johanne N. Morissette. Welcome to the committee this morning. As you are aware, you may, should you choose to do so, have an introductory set of remarks and then you'll be questioned by the committee. Welcome.

M^{me} Johanne Morissette: Merci, monsieur le Président. Mesdames et messieurs du comité, je tiens à vous remercier de m'avoir donné cette opportunité de venir ici et de répondre à vos questions afin de confirmer ma nomination au tribunal des droits de la personne.

First and foremost, I should say that I'm a mother of two young men. My eldest son is in second-year university at Ottawa U, in computer engineering, and my youngest son is completing his collegial courses. He wants to follow in his father's footsteps to become a pilot. Of course, that's my primary role.

You have my CV, I'm sure, and you know I'm a lawyer. I was called to the bar of Ontario in 1985 and I've been practising in private practice since then. I have also been a teacher for the Law Society of Upper Canada since 1993 at the bar admission course in Ottawa. I have also successfully completed over 100 hours of training in family mediation and I have been practising as a mediator since 1995.

I started my volunteering career for the community in 1991 when I was first appointed by the then Rae government to the Hawkesbury Police Services Board, where I served for a couple of years and chaired as well. I was then appointed again by the Rae government to the justice of the peace advisory committee in 1993. Then in 1997, I was appointed by the now Harris government to the Commercial Registration Appeals Tribunal as an adjudicator. I was subsequently appointed, again by this government, to Small Claims Court judge and I've been sitting as a judge in Small Claims Court since 1998, and I sit in L'Orignal. This is just for purposes of interest: L'Orignal is the oldest seigneurie in the province of Ontario. Last year, I was appointed to the licensing appeals tribunal, where I sit as an adjudicator; this is for a three-year term.

I guess I could say, ladies and gentlemen, that when it comes to appointments, I perhaps am not old enough to have had an appointment from the Liberal government.

Mr Bruce Crozier (Essex): It will come.

The Chair: Just wait a couple of years.

Interjections.

Ms Morissette: I'm very honoured and excited to have been nominated to the Board of Inquiry, which, as you know, is the human rights tribunal for Ontario. I was approached by the chair of the tribunal to submit my name for appointment and I'm very proud and humbled that he believes in my capacity to adjudicate and mediate in both official languages.

My passion for human rights and my extensive adjudicative experience, together with my experience in mediation and the fact that I'm fluently bilingual, should allow me to serve on the board of inquiry as best I can. I can sincerely say, in conclusion, that after the September 11 events, the preservation of the rule of law in a democratic society is even more profound, and as such we must be vigilant in ensuring the adherence to human rights. I truly welcome the opportunity to serve in the protection of our freedoms in Ontario for Ontarians. I look forward to any of your questions and I will attempt to answer them as best I can.

Mr Tony Martin: Thank you for being here today. It was actually the New Democrat caucus who invited you to attend. The reason we did wasn't that we had any question about your qualifications or capacity, but, as you have referenced yourself, since September 11 we have some rather extraordinary circumstances with which we live. We have different levels of government introducing ever new measures to deal with the threat of terrorism, but there's a fine line we have to protect in terms of people's rights and freedoms and an approach to

a multicultural society that we pride ourselves on and have for many years, which we stand in fear of perhaps losing if we're not careful.

I would want to know a little bit more from you as to where you would come down in your role as a member of this tribunal if a case was brought before you where somebody suggested they were unduly targeted simply because of their culture or where they come from to this country, in our effort as a society to protect ourselves in terms of this whole very difficult, difficult challenge of terrorists.

1040

Ms Morissette: Thank you for this question. You're quite right. The passion for human rights, as I'd indicated in my opening remarks, is fundamental, and we can't lose sight of that.

You asked me how I would come down. My answer would be that it would depend on the evidence that would be before the tribunal. I would of course weigh the evidence, make a finding of fact on the evidence, and then apply the principles of laws under the Human Rights Code to those facts. I would tend to think that I would render a fair and just decision.

Mr Tony Martin: Looking at what we're doing now in Ontario—we've appointed a couple of individuals from a policing, military background to come in and set in place those checks and balances and protections that the present provincial government feels is necessary to protect all of us. You, I would think, given your passion and your obvious interest in this, have read some of the pros and cons, the critique, of that initiative. What would your thoughts be there?

Ms Morissette: I'm sorry. I hate to even suggest that I wouldn't know exactly—you're saying there has been an appointment of—

Mr Tony Martin: Major General Lewis MacKenzie, for example, and the gentleman from the RCMP, Inkster, who have been appointed by this government.

Ms Morissette: What are my thoughts on those appointments?

Mr Tony Martin: Yes, and the mandate they have been given and how you think it will interface with this whole question of human rights, and, if you want to go even further, some comments, by Mr MacKenzie particularly, on the issue of branding people.

Ms Morissette: Obviously, any statements made by these individuals wouldn't affect my personal views once I'm sitting as an adjudicator. As you know, any statements that are made by any member of Parliament or any individual who has been appointed, even the chief commissioner of the Human Rights Commission, would be totally independent. I would certainly say that I wouldn't be influenced or swayed in any way. I would definitely make my determination, while I sit at the tribunal, based on what I have as evidence before me. I don't know if I'm answering your question in what you're looking for, but—

Mr Tony Martin: Maybe I could bring it closer to home. What would your position be on this whole ques-

tion of targeting people because of their ethnic background?

Ms Morissette: There should never be any target of ethnic cultures. That is a discrimination in and of itself. Having said that, then obviously if there has been an infringement of the code because of that, there is a remedy under the code. That's why there is the tribunal to determine if there has been an infringement.

Mr Tony Martin: OK. Just to switch gears a little bit, the Human Rights Commission has expressed concerns with regard to another initiative this government has implemented, the proposed education tax credit, that it might in fact discriminate, where certain groups of people might be concerned or give support to the development of schools that would be able to discriminate in terms of perhaps a person's ability to pay, a person's race or colour or whatever. Have you had time to take a look at the concerns expressed by the commissioner on that issue, and what would your opinion be?

Ms Morissette: I guess I could say at the outset that I've not formulated an opinion on this particular issue of the education tax credit per se. In fact, if the commissioner, I believe you said, expressed some concerns, again, those concerns are his, perhaps an important statement of policy or concerns but certainly not binding on the tribunal. I believe that if this is a matter that could come before the tribunal—for instance, there would be a complaint made in the future—I think it would be highly inappropriate of me to even suggest a personal opinion on this if I am to sit and hear this kind of issue before the tribunal. I think it would be inappropriate for me to comment.

Mr Tony Martin: OK. Maybe I could ask you then about the public school system we now have in place. There has been suggestion that it discriminates in terms of one religious group. We've been criticized by the United Nations as not being able to accommodate in some significant way other religious groups in terms of their wanting to educate their children, in our effort to try and protect the public nature of our school systems. Have you given any thought to what your personal position would be on some of those issues and questions?

Ms Morissette: My personal position on the education system? I guess I could say that my children went through the public system and I truly believe that's what we should enhance. There's no doubt about it. We've got to increase the standards. I agree with you that we've got to maintain a very good public system. That would be my personal opinion.

Now, if you're asking me if there would be any infringement of rights, again I can't form an opinion without hearing the evidence, listening to the complainant and of course the respondent's position on this.

Mr Tony Martin: Thank you very much. Those are all my questions.

The Chair: Thank you very much for your questions. We now move to the government caucus.

Mr Garfield Dunlop (Simcoe North): I just have a quick comment and Mr Wood also has a comment.

Ms Morissette, welcome this morning. I just want to make a clarification for Hansard on one of the comments the member for Sault Ste Marie made, Mr Martin. The fact is that on October 1, Premier Harris announced the appointment of former commissioner of the RCMP, Norman Inkster, and Major General Lewis MacKenzie as security advisers to the province of Ontario following the aftermath of September 11. Their role is simply as security advisers. They don't have a role in dealing with any particular ethnic group etc. They're security advisers to the Ministry of the Solicitor General, the Premier and of course to the Ontario Provincial Police and other police forces in the province. I want to make that clarification here.

Ms Morissette: Thank you.

Mr Dunlop: Mr Wood has a comment as well.

Mr Wood: Over the past 40 years or so, we've had a fair number of adjudications pursuant to the Human Rights Code. Do you see your job as to build on the adjudications that have already been done or you see your job as primarily breaking new ground?

Ms Morissette: Oh, good God, I wouldn't attempt to think I would break new ground. Of course, as you know, jurisprudence is the foundation of any adjudicator, and if I'm bound by a higher decision—there are many Supreme Court of Canada decisions that have already been made on many of the Human Rights Code issues. I would have to be bound by it. I'm certainly not here to make waves, I guess the word is, but it's probably not the correct term. I think you suggested it's to break new ground. I'm not entering this position thinking that I want to change the world in human rights. I want to make sure that I maintain and enhance and protect Ontarians in my role as adjudicator when it come to human rights.

Mr Wood: Those are my questions. We will waive the balance of our time.

The Chair: Thank you very much, Mr Wood. We now move to the official opposition.

Mr Crozier: Good morning. You mentioned that your husband's a pilot and your son wants to be. I'm a private pilot, so I'm just interested. Who does he fly for?

Ms Morissette: Air Canada.

Mr Crozier: Great. A 747?

Ms Morissette: The Airbus 340.

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Mr Crozier: OK. Now we'll get serious.

I want to touch a bit on mandatory drug testing in the way that it targets individuals, a specific group. In this case, the government, the Minister of Community and Social Services, has announced that in the not too distant future there will be testing of welfare recipients for drug abuse, and they will then be required to undergo treatment. Do you have an opinion on that stance the government has taken?

Ms Morissette: Again, I don't want to express a personal opinion in the sense that—I guess you're asking me, "Prima facie, do you feel this is a discrimination on the basis that it targets a certain group?" We know there has been a lot of jurisprudence on this very issue by

employers in the employment field that has dealt with this issue. If this is a matter that will be coming down the road and it could invariably, in principle, come before the tribunal, I think it would be inappropriate for me to express personal views if I'm called upon to hear this matter. Suffice it to say that I certainly would hear the evidence. Maybe I'm repeating myself, but I think it would be inappropriate to express a personal view on this at this stage.

Mr Crozier: Just so I'm clear, you don't want to express an opinion as to whether this group should be tested or not?

Ms Morissette: I don't want to express an opinion on whether or not that would be discriminatory in and of itself. We'd have to hear the evidence. Within the circumstances of that particular program, we don't know how it's going to be implemented. I'm really not familiar with how it's going to be played out. I presume that once it's before the tribunal—if it ever comes before a tribunal—the tribunal will have to adjudicate appropriately.

Mr Crozier: Well, some of us suggest that it might be fairer if not only that group was targeted but perhaps the same rules apply to members of provincial Parliament, but we'll see how that goes.

Mr Gravelle: Good morning, Ms Morissette. Nice to see you. If I may follow up on Mr Crozier's questions and comments, Mr Norton, the Human Rights Commissioner, has certainly made public statements related to the mandatory drug testing for people on social assistance and indicated that in terms of singling out any group, but particularly the fact that drug and alcohol addiction is considered addiction, it is considered discriminatory. I would think you could comment beyond your personal thoughts. I take it that you're familiar with that, Mr Norton's position.

Ms Morissette: Yes.

Mr Gravelle: I guess I would like your comments based on that. I do appreciate everything you just said, because you're quite right, you've got to see how it comes forward in terms of the tribunal. But in terms of the issue itself, it's a pretty strong one and it's a very sensitive issue. It's one that certainly those of us in the opposition have been strong about, but Mr Norton has as well, I think. I wouldn't mind if you would be willing to expand on that, at least in terms of the comments that have already been made by the Human Rights Commissioner.

Ms Morissette: I will say this with respect to the comments made by the commissioner, Mr Norton. As I said earlier, those comments, statements of policy, are perhaps important but they're definitely non-binding on the tribunal. The tribunal needs to be a separate entity and adjudicate completely independently from the commission. So whatever statements Mr Norton makes is neither here nor there with respect to the tribunal's job when it adjudicates on this particular issue.

You're asking me specifically what I think about the targeting of drug and alcohol recipients. I know there have been many cases that already have been heard on

this issue, and we know that jurisprudence does say that drug and alcohol dependency is a handicap. It's been defined by I believe the Supreme Court of Canada. Therefore there could—I stress “could” or “may”—be a discrimination on the face of it. But again, I can't express if it in fact is going to be discriminatory.

Mr Gravelle: That's fair game. I appreciate that. It's certainly an issue that we expect will make its way to the Board of Inquiry if the government continues to move in that direction, although I think they may be conscious themselves that this is one that is going to be challenged, and for a good reason. I mean, it has been challenged in court and lost. I'm sure you're familiar with that as well.

May I ask you, in a general sense, what are the concerns you have, as a very involved citizen and a very involved person professionally, about discrimination that you see out there? Obviously, the commission had a report related to discrimination against older people, seniors, whatever you want to call people of my age and more, I guess.

Mr Crozier: Be careful.

Mr Gravelle: I've got to be careful. I'm asking about age discrimination, because I think it is an interesting one, in terms of mandatory retirement.

The Chair: Why are you looking at Mr Crozier?

Mr Gravelle: I didn't mean to look at him.

Mrs Lyn McLeod (Thunder Bay-Atikokan): I thought he had become more cautious because I walked in.

Mr Gravelle: No, no. I'm just glad to see you, Lyn, delighted to see you.

That was one of the issues. I'm sure you have some thoughts about that and I'd be curious—

Ms Morissette: I did say at the outset that I wasn't old enough to have been appointed by the Liberal government, so maybe I am sensitive to age. But seriously, in a general sense, discrimination is something that is, for me, so derogatory and impugns my senses. So I am passionate about serving on this tribunal to ensure the adherence to the Human Rights Code in Ontario. I guess I could say that that way.

Now, when it comes to age, we all know there is age discrimination in and of itself by employment. You know, the retirement age is 65. We all know there seems to be a desire for a change in policy in that regard. If that happens, we will deal with it then. I can say that personally I don't think I want to have to work after 65. I'd like to be able to have a retirement.

Mr Gravelle: But you want it to be a choice.

Ms Morissette: That's right, yes. That's my personal view.

Mr Crozier: Chair, is there any time left?

The Chair: Yes, there is. You have three minutes left.

Mr Crozier: One quick question with regard to the commissioner's statement on discrimination as it's applied to welfare recipients and their testing. You said he can make the statements he wants but the tribunal will see the evidence and the facts. My only question is, would the commissioner's statement be part of evidence

that would be presented to a tribunal? I'm not a lawyer, so I'm just curious.

Ms Morissette: The commission is a party to every hearing on human rights. There is always a complainant, the commission, and the respondent. If the commission wishes to make that point in evidence—but it's a statement. It's not evidence per se; it's a statement of policy.

The Chair: Any further questions from the official opposition? If not, thank you very much for being with us.

PERRY MARTIN

Review of intended appointment, selected by the official opposition and third parties: Perry Martin, intended appointee as member, Cancer Care Ontario.

The Chair: Our next intended appointee is Mr Perry Martin, intended appointee as member, Cancer Care Ontario. Mr Martin, you may come forward. As you are aware, you have an opportunity to make an initial statement should you see fit, the time of which is subtracted from the questions from the Progressive Conservative caucus. Subsequent to that, there is questioning from the three parties represented on the committee. Welcome to the committee, sir.

Mr Perry Martin: Thank you, Chair. I have a short statement I prepared that briefly explains my credentials and my motives for having my name go forward for an appointment to the Cancer Care Ontario board.

I want to begin by thanking the committee for taking an interest in the workings of the board at CCO, and specifically the possibility of my being appointed to this board.

Some of you may know or remember me. I worked for 10 years at Queen's Park in a few different capacities. During my years of service in Ontario, I have had many different dealings with Cancer Care Ontario and its similar predecessor organization, the Ontario Cancer Treatment and Research Foundation.

I served as executive assistant to two different health ministers, Jim Wilson and Elizabeth Witmer. While working for Minister Wilson, I was aware of the plans to create Cancer Care Ontario and, with Minister Witmer, I dealt with Cancer Care Ontario on a number of issues after it was up and running in 1997.

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In addition to working for two Ministers of Health, I also worked for Premier Harris as a policy adviser and director of caucus relations. In the Premier's office, I also dealt with Cancer Care Ontario on occasion and was asked at times to sort of gently mediate disputes between the ministry and CCO. I'm proud to say that I was involved in the creation and the ongoing support of Cancer Care Ontario. I feel it is an important health care organization that needs the full support of the provincial government, especially now as the incidence of cancer continues to rise and the demands for treatment seem endless.

I left the government in September 2000 and started my own consulting business in November of that year. I

feel endowed with an important trust in having been asked to serve on the board of Cancer Care Ontario. This is not just any board for me; it's a very special one and it's made more special over the years by the people I have had the privilege of knowing who have selflessly given of themselves to advance cancer issues in this province.

One such person was Alan Backley. Alan was a former Deputy Minister of Health in Ontario. He was a strong proponent of the need to create an organization to better manage the cancer care delivery system and to better integrate the myriad services that need to be provided to cancer patients. In 1995, no such organization existed, and Alan was tragically suffering from cancer. So he knew at first hand what it was like to be a cancer patient within a system that offered many different cancer services, but in 1995 a system was lacking and the existing cancer structure could not always simplify the care map for the average patient. So for Alan, as it was for many cancer patients, the cancer treatment system was a bit of a maze, even for a man with such an extensive health background. Alan succumbed to his cancer later in 1995, but before he left us he pleaded for one important reform to a health system he knew more about than any other individual I'd come in contact with. He said to Minister Wilson, "If you do one thing in health care during the government's mandate, please create Cancer Care Ontario and be sure to support it." Well, the government did create it, and they've done an admirable job of supporting CCO and the cancer system.

There's one other individual who served as a personal inspiration to me with respect to cancer care. His name is Ken Shumak and he was president and chief executive officer of Cancer Care Ontario. Ken was a great man who spent most of his life engaged in the health care system caring about and for patients. In 1999, at a point of great volatility in the cancer system, Ken was appointed CEO of Cancer Care Ontario. Two years later, Ken was diagnosed with cancer, in the spring of 2001. It was a cancer he knew he couldn't beat, but it never stopped him from coming to work at CCO and from advancing initiatives that would improve the cancer treatment system for patients. He would not compromise patient care and he never failed to view change in the system from the eyes of the patient.

I sit before you hopeful of a chance to contribute, even in a small way, to the ideas and the great work that has been carried out by great men like Alan Backley and Ken Shumak. It's an important trust, chock full of vital patient care responsibilities that I should not and will not take lightly.

The Chair: Thank you very much. We commence our questioning on this occasion with the Conservative caucus.

Mr Wood: We'll waive our time.

The Chair: The government caucus has waived its time, so we'll move to the Liberal caucus.

Mrs McLeod: Can it still be Perry?

Mr Perry Martin: Absolutely.

Mrs McLeod: I was obviously aware of your background with two Ministers of Health and aware that you were very much involved with the ministries at a time when Cancer Care Ontario was in its formative and developmental stages. That's why I was particularly interested in having a chance to talk to you as a potential appointee to the Cancer Care Ontario board, because, as you know, these are times of significant changes, and I would even say upheaval, in Cancer Care Ontario. I guess I would ask you to tell me, first of all, your sense of the role and the mandate of Cancer Care Ontario.

Mr Perry Martin: I think Cancer Care Ontario's role and mandate needs to be the overseer of the system. Ms McLeod, you would remember the system prior to Cancer Care Ontario. It was one that was characterized as a lot of services in place but with no overarching body to make sure that all the services in every community were integrated in such a way that they could be put in place in a seamless fashion for the patient. It was really an effort to simplify and actually to make the treatment and the outcomes better and more effective. I do think they have a vital role to play in the system. I think integrating services, making them easier for the patient to use, is what the role and mandate should be all about.

Mrs McLeod: And you'd agree that the integration of services for the patient is something that Cancer Care Ontario has achieved to a rather remarkable degree in a short time?

Mr Perry Martin: I think Cancer Care Ontario would admit that they have not been perfect in achieving that integration. There's more work that needs to be done, but I think they should be commended for making all efforts to try to achieve that.

Mrs McLeod: When you say they're an overseer of the system, you don't see them as a deliverer of the cancer care services, then?

Mr Perry Martin: I don't think I said that. They could very well be that.

Mrs McLeod: They are now, right?

Mr Perry Martin: Yes, they are now. We'll wait for Dr Hudson's report as to the ongoing role of Cancer Care Ontario, but obviously being involved in the delivery of cancer services is an important function if you're going to achieve integration, absolutely.

Mrs McLeod: Does it concern you that you're being appointed to the Cancer Care Ontario board at the very time when the government has proposed what is essentially the dissolution of Cancer Care Ontario as we know it?

Mr Perry Martin: I don't think the government has proposed dissolving Cancer Care Ontario. Actually, I think it's a good time to be appointed because I think I could, in a modest way, contribute some knowledge perhaps to the board in its decision-making that might not be there today.

Mrs McLeod: Dr Hudson is clearly intending to bring about the merger in the name of integration, as you have said. The minister has indicated that Cancer Care Ontario would continue to exist but it would continue to exist

in—he didn't use your word "overseeing," but I think it would be an apt word to describe the direction he's giving to it. But it would not be directly responsible on its own for the delivery and management of care of patients. That would be turned over to hospitals. Is that a merger which you support?

Mr Perry Martin: I would say today I would support a better integration of services, and how that's achieved remains to be decided by Dr Hudson.

Mrs McLeod: So you're content. Having been part of the formation of Cancer Care Ontario and having been close to it—and I respect the sincerity of your commitment to it, as you've outlined in your opening statement—you don't have concerns that the role that was developed for Cancer Care Ontario by Jim Wilson and Elizabeth Witmer is being abandoned?

Let me give you specific examples. We've had significant concerns about waiting lists for radiation treatment, obviously. We had not had the same kinds of concerns for surgical cancer waiting lists until this summer, when an independent study was done. Cancer Care Ontario, in their ability to track what was happening to patients, to coordinate the care across the system—granted, not yet fully integrated with hospitals, and I acknowledge that, but certainly coordinated in terms of what Cancer Care Ontario centres deliver across the system—had the ability to identify the fact that we were not meeting reasonable standards for radiation treatment. That role—and this isn't Lyn McLeod saying this; this is Cancer Care Ontario's presentation to the Hudson committee saying this—is going to be lost. Yet you are content to rest with what Dr Hudson recommends, even though Dr Hudson is clearly supportive of this merger?

Mr Perry Martin: I would be shocked, frankly, if Dr Hudson would envision a role for Cancer Care Ontario where they wouldn't be able to track those very vital statistics, obviously. I would think that would be the wrong direction, quite frankly.

Mrs McLeod: Does it concern you that the Hudson committee is only holding—has only held; it's over—one day of public hearings and that day of public hearings was in Toronto, so even though the majority of cancer care centres are regional, there has not been an apparent willingness to go out and listen to the concerns of people in the regions? Would you recommend, on the Cancer Care Ontario board, that the Hudson commission go out and hear regional concerns?

Mr Perry Martin: What I would recommend to Dr Hudson is that he listen very closely to what he's hearing from the people who provide the service in the system. I think that's essential and vital.

Mrs McLeod: It's difficult to do if he's not out there listening to them. Three regional cancer centres have written and asked for a consultation in their regions and it has been refused.

Mr Perry Martin: I can't comment on that. I don't know all the facts around that. But I would say, knowing Dr Hudson—he's a man of great integrity—that I'd be really surprised if he was not seeking the ideas and the

recommendations of people who actually deliver the service in the system province-wide.

Mrs McLeod: Can I ask you about the private clinic? You will be aware, of course, although I think you had left government by this time, that Cancer Care Ontario gave the licence to the private clinic. Can I ask you your sense of why the private clinic has been able to do what Cancer Care Ontario was not able to do?

Mr Perry Martin: I can't speak to the details because I'm not fully conversant with what the after-hours clinic is performing and what Cancer Care Ontario does. I do know that over the years the government tried to get Cancer Care Ontario, and Cancer Care Ontario in turn tried to get the system, to work off-hours, longer hours, to do more with the existing resources in the system. Am I surprised they can do it better? Yes and no. I'm sure, given their arrangements, that they probably don't have the same type of worry or costs that maybe the day system would have.

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Mrs McLeod: It's actually more expensive on a per-patient treatment basis.

I'm tapping into the knowledge you had when you were there. When you say they tried to get Cancer Care Ontario to provide after-hours service, what stopped them from doing it?

Mr Perry Martin: They just couldn't get the resources in the system to actually—there wasn't enough incentive to do it longer.

Mrs McLeod: Meaning dollars.

Mr Perry Martin: I'm not sure it came down to dollars. As you know, Mrs McLeod, the government was paying the freight for patients to be re-referred to the US, which is much more costly than having them radiated here in Ontario.

Mrs McLeod: I guess that's why it's a surprising issue, because we know that the staff, the radiation therapists, were prepared to work the over-time hours but weren't approached.

Mr Perry Martin: If they weren't and that wasn't done, then that's really unfortunate.

Mrs McLeod: Is there any more time, Mr Chair?

The Chair: Oh yes.

Mrs McLeod: I think you were probably working with the ministry when the decision was made to change the whole nature of the training of radiation therapists and move it to the Michener Institute and to shut down the program for a year.

Mr Perry Martin: Do you remember the year?

Mrs McLeod: It would have been 1996-97.

Mr Perry Martin: I had left the minister's office in 1996, in March, so yes and no. I think I recall a bit of what you're talking about.

Mrs McLeod: You were in the Premier's office at that point?

Mr Perry Martin: That's right.

Mrs McLeod: I assume that with your health expertise you would still have been directly involved in making health decisions?

Mr Perry Martin: A little bit.

Mrs McLeod: You're not telling me the Premier's office had no involvement in that decision and that you weren't aware that the decision had been made to shut down radiation therapy training.

Mr Perry Martin: The Premier's office would have had some ability to comment on that, absolutely.

Mrs McLeod: Right. So was it recognized that we had a shortage of radiation therapists, and did it seem rather bizarre to the Premier's office that we were going to go for a whole year without training any radiation therapists?

Mr Perry Martin: I would say there was great confusion around what resources were needed at the time. If you would ask people in the ministry at the time, they would tell you that the cancer people were saying they didn't need it, and if you'd asked the cancer people they would say we did need that graduating class. There seems to be a difference of opinion on what was needed at the time, and therefore, as a result—in hindsight, you could say there was a bad planning decision made, but there was no consensus on what was needed at the time, it seems to me.

Mrs McLeod: The providers of cancer care were saying there was a shortage of radiation therapists?

Mr Perry Martin: I don't recall anyone signalling a shortage. That's as candid as I can be. I do recall the ministry at the time feeling that there wasn't a need for that class, and whether they were getting their information from the cancer experts or whether they felt this by themselves, I just don't know the answer to that.

Mrs McLeod: You've sat in the position of staff, both in the Minister of Health's office when Cancer Care Ontario existed and in the Premier's office. What's your view of the reporting responsibility of Cancer Care Ontario in terms of reporting to the ministry and public accountability of Cancer Care Ontario?

Mr Perry Martin: What is my view of that accountability?

Mrs McLeod: Yes. What do you see as being, first of all, the existing directions, and secondly, the appropriate directions?

Mr Perry Martin: I think that's an appropriate accounting mechanism.

Mrs McLeod: To the minister and—

Mr Perry Martin: To the public, absolutely. I do believe that over the course of what I've observed over my time, having been in the minister's office and the Premier's office, I think the relationships between Cancer Care Ontario and the Ministry of Health should improve. We thought we'd taken steps—I say “we”; the Premier and Minister of Health at the time, early in 1999—by bringing a very senior adviser from Cancer Care Ontario inside the ministry—

Mrs McLeod: Les Levin.

Mr Perry Martin: Right, Les Levin, that's correct—to work through some of the barriers in communication that were identified at the time. I think it's had some success. I think it can still improve.

The Chair: I'm afraid, Mrs McLeod, you're out of time. We find in this committee, all of us, that just when it gets interesting, we are out of time. It's always that way for all the three parties in here, I'm sure.

Mr Tony Martin: I don't know, but I think you might agree—you've used the word “confusion”—that there's a certain amount of chaos out there right now where cancer care is concerned and the delivery of cancer care. Would you agree with that?

Mr Perry Martin: Well, I think there's obvious uncertainty because you have Dr Hudson working on a report and not having reported back yet. The system as we know it is not going to radically alter regardless of what Dr Hudson comes back with, because everyone wants to achieve the same outcomes, and that's to make the system more responsive to patients. That has to be Dr Hudson's objective, and I'm sure it is.

Mr Tony Martin: What will your objective be if you get this appointment?

Mr Perry Martin: Absolutely the same thing. It's got to be a system that's designed, intended and delivered for patients.

Mr Tony Martin: Can you be more specific?

Mr Perry Martin: I would hope we can have a system where I, as a patient, can work through the cancer system in a way where I don't have undue stress, be that through waiting times or be that through having to worry about whether or not I have to line up X service or Y service or whether I'm admitted into the cancer clinic or the host hospital. Patients don't want to suffer from those undue stresses while they're battling something that is life-threatening.

Mr Tony Martin: What do you think will be the one or two things the government could do to make that go away?

Mr Perry Martin: I think they took a big step in appointing Alan Hudson to take on a very big task to try to achieve better integration of services.

Mr Tony Martin: No concern whatsoever that perhaps there isn't enough money in the system? That's not a problem, as far as you're concerned?

Mr Perry Martin: If we were sitting around this table and chewing on a \$140-million cancer budget, which it was roughly in 1995, I'd say yes, I'd be worried. But the government has shown over the years that when Cancer Care Ontario requests the money it writes the cheque, and I think the budget has increased by about \$100 million since then. So there's money in the system.

Mr Tony Martin: I beg to differ. You probably know Gerry Lougheed and you probably know Gerry Nori as well, who have worked very hard over a number of years to try and sort some of that out. Certainly if you look at my own community, where we were promised probably two or three years ago that we would have a bunker, we still don't have one and we can't figure out why. They tell us it's because they're going to build a new hospital and they don't want to put the bunker in before the hospital. It just goes around and around. There's the whole question of re-referral and all that hoopla in

northern Ontario that created all kinds of stress all on its own for people looking for cancer care, and Gerry Nori himself suggesting a comprehensive grant program that covers the gamut of medical services. In northern Ontario particularly it's really difficult for us to access and get to the kinds of services we need. It seems obvious to us that in fact there isn't enough money in the system to do all the things that are already identified as necessary: approvals on the table for hospitals that would have attached to them cancer bunkers that we can't get a green light on.

Mr Perry Martin: I think there are a number of facilities in the province that are suffering the same frustrations. The approvals need to come quicker in terms of the cancer bunkers and the cancer centres, but in some fairness, you're also dealing with a parallel exercise of hospital restructuring, where obviously you want to align your services appropriately. You're dealing with massive capital projects and these projects take some time to get approved fully. Unfortunately, caught inside that are the cancer centres and the cancer bunkers. Obviously, it would be ideal if there was a way to fast-track those, because it would create some relief in the system. But I think you'd admit that it's important, obviously, when you're reconstructing hospitals and facilities to get it done properly.

Mr Tony Martin: The group you didn't mention in terms of people who are frustrated of course are the patients. While we wait for government to decide that it has the money that's necessary for these new major capital investments, people are dying and not being able to get the care they need, and even if they don't die, living under some tremendous degree of stress because they don't know from one day to the next whether they're going to be able to access the service they need.

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My concern in your appointment is that we're bringing yet somebody else in from the Premier's office, however indirectly, who's there simply to do damage control as opposed to actually making some strong suggestion, as Mr Lougheed and Mr Nori have done, that we need to take this thing seriously, put some money into it and get it done. Is that a concern that I should spend any time with?

Mr Perry Martin: I wouldn't be concerned about that, Mr Martin. Over my years of experience inside government, in opposition, and since I've left government trying to assist Cancer Care Ontario, again, personally I have a great loyalty to Cancer Care Ontario. I feel it's an extraordinarily worthwhile organization that, as I said in my opening remarks, I want to advocate strongly on behalf of on the board. But I think it's also important that the communication needs to be improved with Cancer Care Ontario and the ministry, and we need to make the best decisions possible for patients.

I'd also like, if I could, to come back to your earlier comment with regard to the chaos and confusion in the system and say that I think it's quite heartening that we in Ontario and we in northern Ontario—I shouldn't say

"we," but northern Ontarians are actually taking patients from Manitoba. There's a system that's got some chaos and confusion and we're there to help them, because our cancer system, quite frankly is in better shape.

Mr Tony Martin: So if it becomes obvious to you, in getting this appointment, that what's required is some more resolve on the part of government and more commitment in terms of resources to get this thing up and running—because I obviously disagree with you re the state of cancer care in the province. I'm not aware—Mrs McLeod may be—of the Manitoba transfer of patients.

Mrs McLeod: Thunder Bay has agreed to take patients from Manitoba.

Mr Tony Martin: Well, that's certainly good news if it indicates that we have that excess capacity in Thunder Bay, but in Sault Ste Marie we sit and wait for our bunker. It was promised two or three years ago. People have to travel who shouldn't need to. If it becomes obvious that more resolve and more resources are needed, and you're on that committee, will you be willing to make that statement loud and clear?

Mr Perry Martin: Improving the system is exactly what I would like to do if fortunate enough to be appointed to the board. Absolutely. I would hope too that if you feel there are unnecessary delays and there are barriers, you might, if I'm appointed, pick up the phone and call me and see if we could talk about how I could help advance the needs of patients in Sault Ste Marie.

Mr Tony Martin: Those are all my questions.

The Chair: Thank you kindly. We move to the government caucus.

Mr Wood: We've already waived our time.

The Chair: They've waived their time. That's right. It's nice of you to do that, to remind me of that.

Mr Wood: I'm here to help.

The Chair: Thank you very much, sir, for being with us today. You may step down.

BEN VEEL

Review of intended appointment, selected by the official opposition party: Ben Veel, intended appointee as member, Elgin Group Police Services Board.

The Chair: Our next intended appointee is Ben Veel, intended appointee as member, Elgin Group Police Services Board. Welcome to the committee, Mr Veel. As you know, you have an opportunity to make an initial statement, should you choose to do so. That's entirely optional, up to you. Subsequent to that, members of the committee will direct questions to you. Welcome again.

Mr Ben Veel: Thank you, Mr Bradley.

Ladies and gentlemen, my name is Ben Veel. I immigrated with my parents from Holland in 1959; father, mother and eight kids. We have lived most of our life in London and recently moved to Port Stanley, about three years ago. I have been married to my wife, Rita, for a lot of years and have two children.

I have been active in service in the community since 1965 at different levels, right from being chair of the

recreation association to PTA, up to president in all of them, and eventually community centre board.

I have been a Western Fair board member, one of the most successful fair boards in North America, for about nine years. From 1979 till one year ago, I was a member of the London and District Construction Association and ended up as vice-president.

I am past and founding president of the Mechanical Trades Association of London. I am presently president of VMG Certification, which is a medical gas certification company that certifies medical gas systems in hospitals and medical facilities. I am past chair of the city of London council planning committee. I am past chair of the community and protective services committee. I am also past chair of the tiered response subcommittee, which I requested city council for, a subcommittee to investigate the possibility of better co-operation between fire, police and ambulance. Even though it had a rocky start, I can tell you in the end we made some significant changes and the co-operation is much improved in the city of London as of today.

I was elected as the mayor of the town of Westminster and I was elected a city councillor in London from 1993 till last fall, when I retired. "Retired" means I didn't run; I didn't not get re-elected.

I am a past member of the agricultural advisory committee and a past member of the city-county liaison committee. The reason for these last two committees was something brought about through Bill 75 that we, as a council in Westminster and the surrounding area, requested and asked for. I can tell you, that's been a very successful committee, with much better co-operation between the city of London and the county.

For 10 years I was a member of the board of directors of the children's aid society, a very challenging position, as you can probably understand. I'm also a member of the Canadian Healthcare Engineering Society, commonly referred to as CHES, and I'm the founding president of the London Lambeth Rotary Club. I enjoy sailing. I've played hockey for many years. I was a level IV OMHA referee. I've coached kids.

I'd like to tell you that because of my business experience and political experience and my demonstrated interest in improving the services in our province and our country, I feel I would be an asset to the new Elgin Group Police Services Board. Thank you very much.

The Chair: Thank you very much, sir. We start this time with the official opposition, and it's going to be Mr Gravelle again.

Mr Gravelle: Yes, it is. Good morning, Mr Veel.

Mr Veel: Good morning, Mr Gravelle.

Mr Gravelle: I'm not sure you mentioned how this appointment came forward for you. Did you seek this out or was it offered to you?

Mr Veel: Actually, I did seek it out. Being a politician, I think you know, and being active in community, which I'm sure you also have been, when you retire from certain things you take a little time off and then you look for different avenues of service. We had moved to a

home on the beach in Port Stanley some time ago. We have been active there for the last three or four years in the community itself. When I found out about this appointment being available, I in fact approached Mr Wood's office to find out the information.

Mr Gravelle: Mr Gerretsen is going to take over, then I'll come back.

Mr John Gerretsen (Kingston and the Islands): Mr Veel, I notice that you were a councillor for some eight years and that before that you were mayor of the town of Westminster.

Mr Veel: Yes.

Mr Gerretsen: Do you have any opinions as to whether or not councils should be controlling the police budgets, or should it be controlled by the board? I think it's still that three members out of the five are appointed, are they not, by the province, or two out of five?

Mr Veel: That number just changed, so I'm not sure what the ratio is today.

Mr Gerretsen: But as a former councillor, don't you agree with me that councils should be controlling the police budget in its entirety and that maybe the province should no longer appoint individuals to this? Speak freely.

Mr Veel: Yes, I have a tendency to do that in time. Mr Gerretsen, that's a loaded question.

Mr Gerretsen: Congratulations. You're the first person in these premises who's ever pronounced my name correctly.

Mr Veel: I detect you're probably of Dutch background also.

Mr Gerretsen: Thank you, yes.

Mr Johnson: We won't hold that against you.

Mr Veel: We still enjoy having fun made of our race.

Mr Gerretsen, it's a loaded question. I was the chair of the community and protective services committee of London, at which point I requested that we institute that particular little subcommittee. As I'm sure you are aware, basically when the police chief comes and does his dog-and-pony show before council, between 96% and 98% of that particular budget is wages, so we have very, very little control over that. In terms of the rest of the rules and regulations, they're laid down by the province. As a council we can request certain things. We can have some input on building, we can have some input on improvements and we can request and have meetings about what the community is looking for. I think those are really the most input we can have.

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In this particular board, of course, it is done on a contract through the OPP, so you probably have even less input in that. But the reality is that in London, we were fortunate to have had good police chiefs. In fact, right after annexation, I requested that Mr Fantino come to our community, the annexed community. After the meeting, to which, out of a community of 3,500 people, 180 showed up, when he left and stood up to thank the people, he said that was the first time he'd ever come into a community where the people actually thanked him for

being more forceful in enforcing the law. He was quite pleased.

Mr Gerretsen: If I could just have a very quick response to this, then, do you feel it is preferable to have councils control the entire police budget and have the final say on it or not?

Mr Veel: No, I think that's a dangerous balancing act. Council is a political group. I think you need both: you need the protection from the province and you need the input from council as to what the community wants. I think we need both. I think policing is something you can't change with the whims of the day. I think you need to be very careful.

Mr Gerretsen: Surely you have greater confidence in the locally elected people than that. You were one of them for so many years. They wouldn't do anything to hurt their community, surely. No comment?

Mr Gravelle: Mr Veel, where I was going in terms of my questioning—you mentioned you sought out the role and obviously spoke to somebody in terms of getting the appointment. How did that process go forward?

Mr Veel: It went forward through Mr Wood's executive assistant, Mr Dillon, and Rudy Hernandi, who did run his office in London. Actually, it was two or three years ago, I think, when I first thought about this and what I would do after when I made the decision not to run for politics again, and I asked for what was available. I was a little shocked to find out everything from the liquor board to the arts council. The number of appointments available was quite staggering. What I tried to look for was something that interested me and something I think I could have some input on and that I feel the community is interested in. The one thing I found out, being the mayor of our town, was that the community felt they were underpoliced. One of the reasons the community was actually, regardless of what the media said, pro-annexation, one of the key things, was that they wanted better police and fire protection.

Mr Gravelle: You mentioned Mr Wood. Are you a member of a political party?

Mr Veel: Yes, I am.

Mr Gravelle: May I ask you what party that is?

Mr Veel: Provincial or federal?

Mr Gravelle: Provincial would be interesting.

Mr Veel: Provincial, the Conservatives.

Mr Gravelle: I see. And federally?

Mr Veel: Federal, I am a wandering soul today, so that probably explains to you my affiliations, both Conservative and Alliance.

Mr Gravelle: Have you worked on campaigns then?

Mr Veel: Oh yes, definitely.

Mr Gravelle: Mr Wood's campaign?

Mr Veel: Too small. It would be more Mr Mazzilli's.

Mr Gravelle: More Mr Mazzilli's.

Mr Gerretsen: That changes everything.

Mr Gravelle: That's interesting. It's always interesting to find out what political affiliation you are. It was Mr Wood who helped you get the appointment, which is very nice of Mr Wood.

Mr Gerretsen: No, it was his executive assistant. Mr Wood wasn't involved personally.

Mr Gravelle: I'm sure he wasn't.

In terms of the fact that the Elgin Group has gone into, I think, a five-year contract with the OPP, that does change the relationship the police services board has. The police services board, when it's working with an organization that's under the control of the OPP, doesn't have as much of an input into that. Does that concern you?

Mr Veel: Yes, it does, but to a large degree—really, in my business and in my political career, I care more about the individuals I'm dealing with than the business, because in the end it is the individual that you have contact and a relationship with. I think in this case it would be very prudent for us, if we can have any input on that, to make sure we have good leadership, but more than that, that we have good coverage. That's going to be controlled by budget and that contract. To some degree, yes, that would concern me and I would want to look at that, and I'd also want to find out what the community is looking for in terms of its—

Mr Gravelle: That brings me back to Mr Gerretsen's point too, that with the fact you have less control over it, it's whether the appointments should all be basically from the municipal side in terms of the role you're playing.

Mr Veel: I think we need both for balance. The reason for that is that we shouldn't be subjected to the whims of whatever the local issue is today. Sometimes we can react too quickly; sometimes we react too slowly. So we need balance and we need that safety valve that if someone is being stupid, there is someone else there who says, "Hey," who looks at it from a more distant point of view and says, "Hold the phone a minute."

Mr Gravelle: To some degree it appears that you only can work on the basis of the information you receive, but you don't have as much ability to get information, do you, in terms of the fact that you don't have the same powers when it's under contract to the OPP.

Mr Veel: Having been a politician, having been a mayor and having been a councillor, and having been involved with our own police force through the community and protective services committee, I can tell you that the information you will be given will be very limited. Unless you can get the rest of your council to support you and demand it, you still may not get it, but you may get a little more. It's very difficult to get 11 members of a 19-member council to support getting more information. Sometimes they prefer not to know; it's safer.

Mr Gravelle: But you do acknowledge that it could be a problem getting the information you need, because it isn't part of what you automatically would get as a member of the police services board now.

Mr Veel: As a member of the police services board, budget obviously in this case is somewhat out because of the contracting-out option. I think what you want to do is establish good personal relationships and be very professional about the information you want, but because of the mere Police Services Act, basically you're controlled by how much information you'll be given.

I can tell you, though, that in London we very much worked—when I first started this process, it was terrible. We had a facilitator who said that the police service was first, the fire was second and the ambulance was third and that really the taxpayer was fourth. When I made the terrible suggestion that maybe the taxpayer should be first, all three of them said no. By the end of the process, I think they agreed. Right now, for example, in London they have agreed that the next time they buy CAT equipment it will be done together so it's compatible; the next time they buy radio equipment, it will be compatible, which is not the case today, so they can do it together and tie in together. I can also tell you that through the efforts of that committee, we shaved a full 50 seconds to a minute off response time for cardiac arrest. I don't know if you're familiar with what cardiac arrest is—I'm sure you are—but 50 seconds is a lifetime. We're going to improve that more, so we're now into using the training facilities. If we can make better use of the facilities we have by coordinating the services and working together, I think that is the power we have in our community, and letting the police force know what it is the community looks for.

Mr Gravelle: Do you—

The Chair: You won't be able to ask that question because you're out of time, sir. I hate to tell you that, but you are out of time.

As politicians, our definition of cardiac arrest is when the first 10 polls come in and they're unfavourable. That's cardiac arrest for us.

Anyway, Mr Martin now has up to 10 minutes.

Mr Tony Martin: You're aware, as is everybody today, that we live in a different world after September 11. Certainly issues of security and protection, safety and policing become ever more important. You're being appointed, conceivably, to a board that's going to oversee the operation of policing in a rather significant community in our province. How do you think all of that will affect the role of police services in the province?

Mr Veel: Police services or the police services board?

Mr Martin: Both, as they work together.

Mr Veel: Like I said, the board should be an integrated team and you have to develop mutual respect as a board and work together with the different stakeholders. I am very concerned, and that's one of the reasons I asked for this appointment. My wife and I celebrated our 39th wedding anniversary just this month and we went to the United States for five days. When I came back across the border at 3 o'clock in the morning, across the bridge in Windsor, I was asked two questions. "How long have you been away?" The answer was "Five days." The next question was, "What are you bringing back?" "A couple of T-shirts for the kids." I was never asked what nationality I was. I was never asked for my passport. I was never asked anything else and was told to go on. That concerns me greatly.

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I don't want to be harassed. However, I want some basic security in place to protect me and the rest of our

community. Yes, that concerns me greatly and I am very much for improving the level of security we have in this country, especially at its extended borders. But that, I don't think, is our responsibility.

Mr Tony Martin: It's not. And I would suggest to you, living in a border community, Sault Ste Marie, that it does border in some degree. The complaint is that somehow Canada's borders are porous and easily accessed when the reality is the opposite. When we go across into the States usually it's one or two questions. It's coming back into Canada that we get "harassed," that we're kept waiting for a long time, and sometimes we're pulled over and they go through our vehicle and that kind of thing.

The brings me to the point I'm trying to make here. Continuing to do the policing we've always done and living up to the responsibility that a police services board has to oversee that and the new anxiety that's out there, where do you think the balance lies in terms of continuing—for example, the provincial government has now hired on contract Mr MacKenzie and Mr Inkster to oversee—we're not quite sure exactly what it's going to be or how it's going to work or what the mandate is, but I would guess at some point it will influence your work. How do you see that?

Mr Veel: First of all, I didn't worry about it, but most politicians worry about what the latest poll is, as was stated earlier by your Chair. However, having said that, I think the reality today is that Canadians have gone as a whole from saying, "Oh, things like that can never happen in Canada," to "Maybe they can happen." Mr Gerretsen and I come from a country where, before the Second World War, they thought they could bury their heads in the sand and, "We are neutral and no one's going to attack us." We found out they did.

In Canada, when I hear on the radio that we don't need to worry about the anthrax scare because no one's going to attack Canada, that's of great concern. The public at large recognizes today that we need to do a better job, that we need to improve on our refugee system of letting people into the country and how we control that, that we need to do a better job of that. Not make it, as I've heard some people say, that we're going to be the Gestapo, but be reasonable. I think people are now ready to accept that. It's an exciting time to be on a police services board, because now, when you're trying to institute some of these safeguards, when the police and law enforcement agencies are, the public will be accepting of them, where I'm not sure before September 11 they would have been as accepting.

Mr Tony Martin: So you're saying to me, then, that Mr MacKenzie and Mr Inkster doing their job and perhaps coming in and giving advice and influencing the operation of your police service, answerable to nobody other than the Premier, I guess, and his cabinet, is OK as far as you're concerned?

Mr Veel: In business, when I want a job done, I hire a foreman or a superintendent to do that job. If I want to go run the job myself, I shouldn't hire him. I think these are

very qualified people and I look forward to their input because I think it will be very valuable.

Should it be questioned? I don't think they have carte blanche. The government still has to approve it and the government has to agree. They probably, from my observation, appointed a couple of fairly competent people. I think these people are very competent in their field. If you want the job done, hire an expert, and these people are experts in their field.

Mr Tony Martin: They very well may be, and may do a good job. The concern I have is that we've evolved in this province—we are a democracy, after all. We're not a business or a company or a multinational corporation. We're a democracy where people have a say and like to feel that they're protected, and protected as well from those who would protect them, so we don't get, as you referenced a few minutes ago, a Gestapo-type operation. This is a break, as far as I'm concerned, away from an evolution that was happening where we had civilian oversight of policing in the province to now people acting as if they have divine right, perhaps, to go in and do things on behalf of the people, when they don't answer to a police services board or a police commission at the provincial level.

Mr Johnson: On a point of order, Mr Chairman: I have a great problem with the language of the member for Sault Ste Marie, particularly from the ethnic background of this witness. Where he and his family grew up and came from, the word "Gestapo," when compared, is an offence and an affront to me.

Mr Tony Martin: I thought you had used that term earlier in your deputation.

Mr Veel: I only used it in terms of what people in Canada were concerned about with the new legislation coming in. But, you know, Mr Martin, democracy is something that, as long as you get what you want, you agree with it, and if you don't, you don't agree with it. We need to be very careful with that. We also need to protect ourselves. Democracy is something that the majority of the people want, not some of the people.

Mr Tony Martin: There's been an issue raised, certainly referred to by Mr MacKenzie, and in looking at some of the comments by other policing officials, the question of racial profiling. What's your position on that?

Mr Veel: First of all, I think multiculturalism has been a terrible thing for this country. It should be secondary to being a Canadian, not primary. I think it has really hurt this country in doing exactly what it was supposed not to do. I think most immigrants you will speak to, whether from the Middle East or other places, will tell you that. It is, I find, the people born in Canada who will say, "But, my gosh, you're an immigrant. How can you feel like that?" Well, we want to be Canadians. We are Canadians. I grew up here. My complete adult life I've lived here. This is my land, this is my country.

Chief Fantino did a report one time identifying which groups committed the crimes. The one he identified, I think, was the Jamaican community, and everybody went crazy. Then some of the Moroccan community said,

"Hey, we're glad he did that, because at least he identified a section of the community, whatever that may or may not be." I think I agree with that. We've been probably a little bit too liberal in this country—and I use that word with respect.

Mr Gerretsen: You don't mean that in the political sense, do you?

Mr Veel: No, I don't. We have been a little bit too liberal at times and I think now that's catching up with us, which shows us we probably need to tighten up a little bit, because in some cases the crooks have better weapons than us, the crooks have better facilities than us, the crooks have better communications than us. People like Mr Inkster will hopefully be able to help and improve the situation for our protection, because that's what's I'm ultimately looking for, that we as Canadians are protected.

Mr Tony Martin: What's your position on racial profiling?

Mr Veel: In what context are you asking that question?

Mr Tony Martin: The one you just mentioned, the one you just spent five minutes talking to me about.

Mr Veel: First of all, I don't think it was five minutes; second of all, I don't think it's racial profiling. I think what Mr Fantino's report was doing was profiling crime areas, if I'm not mistaken.

Mr Tony Martin: And he identified certain groups of people who more readily fit—

Mr Veel: He did, not me.

Mr Tony Martin: So what's your position on that? You think that was OK. You said what he did was fine and that in the circumstance we're in now, it's OK to target certain ethnic groups as—

Mr Veel: Boy, you're putting words in mouth, aren't you? I don't think that's what I said at all.

Mr Tony Martin: OK. I'm asking you a question, then, and if you'd answer it, I'd appreciate it. What do you think of racial profiling?

Mr Veel: I think you should tell me in what context you want to do racial profiling. If you're saying, "Are you this or are you that?" what are you using it for? I think racial profiling probably in principle is—I don't know what you're asking me and I don't know what you're using that for, what you want to use it for. For what cause do you want to use profiling? For crime? For political?

Mr Tony Martin: I thought I was pretty clear. I started out my line of questioning by saying that we live in a different world after September 11—

Mr Veel: Yes, we do.

Mr Tony Martin: —and talked about the concern I had that we find balance in our approach to policing and security services. You answered my questions rather abundantly and in that context, of the moment we find ourselves in now, trying to do all we can to protect ourselves from the very real threat of terrorism, I'm asking you, is it appropriate that police services or people like

Mr MacKenzie and Inkster, as they do their job on behalf of the Premier, get into the area of racial profiling?

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Mr Veel: I don't think I'm qualified to answer that. I can tell you, from my own personal perspective, the office I have my office in has a number of, for example, Muslim people working in it. I can tell you, in our office, and I've sort of observed, they are as upset about things as we are. It was interesting, because some of the more enlightened people in our office felt that—now that landed immigrants have to have an identification card with their picture on it, these Muslim people are actually quite pleased about that, because they do not want to be identified, first of all, as refugees, and second, to carry an additional piece of identification that identifies them as legitimate immigrants they consider a benefit.

I'm not sure where you were leading with that and I'm not sure how to answer it, because there's 10,000 different—if it's used in a negative sense, of course I'm against it.

The Chair: That was your last question, Mr Martin. I now go to the government caucus.

Mr Dunlop: Thank you very much, Mr Veel. I, as a member of our caucus, will be supporting your nomination to this committee. I want to congratulate you on all the activities you've been involved in as member of the community in the London area since you've arrived in this country. It's amazing to see some of the associations you belong to, your work experience in construction. I support you, because I come from a construction background myself.

Mr Veel: You're one of us.

Mr Dunlop: Yes. And your municipal experience. I was curious, because the police services board has a lot to do with municipalities. You went through an annexation in 1991-92, and the town of Westminster was actually done away with at that time and became a part of the city of London. Was that under the NDP government at that time?

Mr Veel: Yes it was: Mr David Cooke.

Mr Dunlop: I find that strange. Yesterday we had all kinds of petitions against the town of Kawartha Lakes. And now we're hearing—I guess it changes in eight or nine years. I'm surprised, really surprised at that, because I think Mr Martin read one of those petitions yesterday opposing annexation. It's amazing to see that. Did it work out OK?

Mr Veel: We recognized that we didn't have any choice in the matter.

Mr Dunlop: Oh, I see.

Mr Veel: What some of us recognized, which is one of the reasons I ran, was that when there's a Mack truck coming down the road and it's going to hit you, you'd better get out of the way. We protected ourselves and tried to get into Bill 75 the things that were important to our community. One of the things we protected was our reserve fund of \$1 million for policing, which we knew we had to provide; and by the way, I can assure you it went to the city of London. I can also tell you that city

council, right after annexation, tried to renege on almost 75% of the promises—not promises, the law—in Bill 75. At one point, Mayor Gosnell stated, "It's starting to sound like Councillor Veel has a direct pipeline into the minister's office." Yes, I did, because every time they tried to renege on a promise made to us, I did call the minister and say, "Bill 75 is here."

Mr Dunlop: I just wanted to clarify that, because I was wondering if a guy named Rae was on that Mack truck.

Mr Veel: I'll tell you, Mr David Cooke, who was the Minister of Municipal Affairs—I've learned to have a tremendous amount of respect for his ability and his backing up people in very contentious situations. I can tell you, he never left me hanging dry, when he could have. I still appreciate that very much.

Mr Dunlop: Are you pleased now, as a member of that community, that that annexation worked?

Mr Veel: Contrary to the media, most people in our community wanted to be annexed. The media still don't want to accept that fact, but I don't know why I kept getting elected by bigger majorities every time.

Mr Dunlop: My final comment is that I appreciate your comments on Norman Inkster and Major General Lewis MacKenzie. We think it's a good move on behalf of the provincial government to appoint these individuals. We think it's showing leadership. We hope you feel that, as a future member of a police services board, potentially. I appreciate your presence here today.

The Chair: No further questions?

Mr Wood: We will waive the balance of our time.

Mr Gerretsen: Will you yield the balance of your time to the opposition so we can ask him—

The Chair: I can ask them, if you're requesting that, but I don't see—

Mr Wood: Mr Gerretsen is obviously disturbed.

Mr Gerretsen: No. I'd like to ask this very eminent gentleman some more questions.

Mr Veel: I'll be happy to meet you in the hallway.

Mr Gravelle: Take it outside.

Mr Veel: No, no. That has a different connotation.

The Chair: Thank you very much, Mr Veel.

We will now proceed with the committee business, which will be the dealing with the appointments. The first one was Alan B. Mervin, intended appointee as member, Ontario Rental Housing Tribunal.

Mr Wood: I move concurrence.

The Chair: Mr Wood has moved concurrence. All in favour? Opposed? Motion carried.

The second appointee was Johanne N. Morissette, intended appointee as member, Board of Inquiry (Human Rights Code).

Mr Wood: I move concurrence.

The Chair: Concurrence is moved by Mr Wood. Any discussion? All in favour? Opposed? Motion carried.

The third was Mr Perry Martin, intended appointee as member, Cancer Care Ontario.

Mr Wood: I move concurrence.

The Chair: Concurrence is moved by Mr Wood. Discussion?

Mr Tony Martin: I'll be voting against this appointment in that the chaos and confusion we find in the cancer care delivery system in Ontario has been generated and driven and pushed by this government in its effort to try to save dollars so they can make good on their tax break promises, as opposed to making sure we have the best of health care in a timely fashion, accessible, close to home, for every citizen who calls Ontario home. Appointing somebody who comes out of that system, who is so obviously directly connected with the Premier's office, I think is an effort at some damage control. We know that the kind of damage control this government does and is capable of doing usually ends up in more damage, so I will not be supporting this appointment.

Mr Gravelle: I wanted to request a recorded vote, but I wanted to ask if Ms McLeod would respond on behalf of our caucus.

Mrs McLeod: I've been around long enough not to be so naive as to think that many of the appointments made to government agencies are not partisan appointments, but I do think that the very direct and most recent connection of Mr Martin to the government on political staff would really call into question his appointment to what is supposedly an independent board at the best of times.

I guess I was hoping, in our questioning today, that Mr Martin, who was with the Minister of Health at the time that Cancer Care Ontario was established, would be prepared to be a strong advocate for a continued role of an independent Cancer Care Ontario board. I was rather dismayed to find that Mr Martin is clearly supportive of the government direction and the direction which Mr Hudson has been appointed to carry out, and that's the merger of Cancer Care Ontario. Given our belief that Cancer Care Ontario should remain an independent board, we could not support the appointment of someone who is so clearly committed to seeing Cancer Care Ontario, as we know it, virtually dissolved.

The Chair: Any other comments from anyone on the committee? If not, Mr Gravelle has requested a recorded vote. I'll put the motion to the committee for its consideration.

Ayes

Dunlop, Gill, Johnson, Wood.

Nays

Gerretsen, Gravelle, Martin.

The Chair: The motion is carried. We have now the final one, Mr Ben Veel, intended appointee as member, Elgin Group Police Services Board.

Mr Wood: I move concurrence.

The Chair: Concurrence is moved. Discussion?

Mr Gerretsen: I'm sorry I wasn't here for the entire discussion relating to this gentleman. Is the Elgin Group a private security organization, or is it actually part of a police commission? Its title is so similar to many of the private protective agencies that are around right now. Could maybe Mr Wood, since he knows so much about this particular appointee and perhaps this group, give us some answer to that if he can?

Mr Wood: That's the name chosen by the people of the county of Elgin for the service area.

Mr Gerretsen: And who are we to argue with that?

Mr Tony Martin: I can't express strongly enough my very real concern re this appointment, particularly when you consider his views on multiculturalism, which has become, in so many ways, a branding in this country that holds up proudly and has become a magnet that attracts so many people who come and contribute in so many significant, important and positive ways to the fabric that has become Canada and Ontario. With the fact that he wouldn't answer the question from me re his position on racial profiling and the little dance we did there together around that, I just cannot support this appointment.

Mr Johnson: I just wanted to say that I had a lot of respect for the dance and I sided with the partner from the community of Elgin.

The Chair: Any further comments from anyone on the committee?

Mr Tony Martin: A recorded vote.

The Chair: You want a recorded vote. I've got no objection; that has to be the way it is.

Ayes

Dunlop, Gerretsen, Gill, Johnson, Wood.

Nays

Gravelle, Martin.

The Chair: The motion's carried.

That completes the consideration of the individuals. Is there any further business for the committee? If not, I'll ask for a motion of adjournment.

Mr Wood: So moved.

The Chair: All in favour? Opposed? Carried.

The committee adjourned at 1202.

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