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## **Official Report of Debates (Hansard)**

**Wednesday 7 May 2003**

## **Journal des débats (Hansard)**

**Mercredi 7 mai 2003**

**Standing committee on  
government agencies**

Intended appointments

**Comité permanent des  
organismes gouvernementaux**

Nominations prévues

Chair: James J. Bradley  
Clerk: Anne Stokes

Président : James J. Bradley  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES  
ORGANISMES GOUVERNEMENTAUX

Wednesday 7 May 2003

Mercredi 7 mai 2003

*The committee met at 1007 in room 151.*

**The Chair (Mr James J. Bradley):** I'll bring the meeting to order. The standing committee on government agencies is now in session.

I have an official notice from the public appointments secretariat that the name of Edward Morton Parker has been withdrawn "and, therefore, should be voided and returned to us," it says.

## SUBCOMMITTEE REPORTS

**The Chair:** The second thing I have now to tell you is that there's a report of the subcommittee on committee business dated April 24, 2003.

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

**The Chair:** Mr Wood has moved its adoption. Is there any discussion of that report? If not, I'll call the vote. All in favour? Opposed? The motion is carried.

I also have a report of the subcommittee on committee business dated Thursday, May 1, 2003.

**Mr Wood:** I move its adoption.

**The Chair:** Mr Wood again has moved its adoption. Is there any discussion? If there's no discussion, I will call the vote. All in favour? Opposed? The motion is carried.

## INTENDED APPOINTMENTS

## MARIE TRAINER

Review of intended appointment, selected by official opposition party: Marie Trainer, intended appointee as member, Haldimand County Police Services Board.

**The Chair:** We will now move into proposed appointments. The first will be Marie Trainer, who is an intended appointee as member, Haldimand County Police Services Board. Ms Trainer, you may come forward. As you have likely been informed, you have an opportunity to make an initial statement if you desire to do so. Subsequent to that, the questions will come from any members of the committee who wish to direct them to you. Just so we know, today we will begin with the official opposition. We've reached their rotation and the official opposition will be the first to direct questions. Welcome to the committee.

**Ms Marie Trainer:** Thank you very much, Chairman Bradley and committee members. I am honored to appear

before you today as a candidate for the appointment to the Haldimand County Police Services Board.

My family has lived in Haldimand county for six generations. My children and grandchildren also live here. My mother, who is 94 and living with me, was born on a farm on the same road where we live today. My roots are very Haldimand-bound.

I served the people in Haldimand in an official capacity from 1985 until 2000. I was mayor of the former town of Haldimand from 1991 to 2000, was a regional councillor from 1988 to 1991, and the town of Hagersville's councillor from 1985 to 1988. I have been involved in community initiatives most of my adult life.

The time I spent working as councillor and mayor allowed me to develop and display the skills required for this position. On a more specific note, I held a very similar position within the town of Haldimand, serving on the neighborhood policing committee for the Cayuga area. The chamber of commerce members had some very strong concerns about the non-presence of our police force in the community. The OPP headquarters for the east end of the region of Haldimand-Norfolk was situated just outside Cayuga, but the general impression of the local merchants was that they only saw police cars as they passed through at high speed. We were experiencing a lot of vandalism in the town core and this situation needed to be fixed. We worked with the OPP to increase their presence and patrol the area more often and more thoroughly, along with an expanded merchant watch. We also took on many cooperative ventures that I can explain and expand on later, if you so wish.

I worked with and helped the volunteers for the Hagersville tire fire. Twelve million tires burned for 17 days. I watched Inspector Norm Denkirk and his force operate with efficiency and military precision, containing the area almost immediately. No one was allowed in or out without authorization. The OPP deployed community networks, hazardous materials and media relations staff etc. We fed the OPP officers, the regional police, the ambulance drivers, the Ministry of the Environment, the Ministry of Health, social housing, and all the firemen from across the region of Haldimand-Norfolk etc.

We, the volunteers, had to be moved out of the plume of smoke four times. The great care these officers showed us has never been forgotten. You can imagine moving dozens of mostly middle-aged women, along with their food supplies, kettles, pots and pans, not once but four times as the plume of smoke continued to

change and grow. Much patience and kindness was bestowed on us. We fed hundreds of people each and every day. Many friendships were made and still stand today.

Then along came the great train derailment. I was then mayor and had some very hard decisions to make. I had to work in consultation with emergency services, Chief Wellington Staats of the Six Nations and Chief Carolyn King of the Mississauga New Credit Reserve, approximately 6,000 native people, the 24,000 people of the town of Haldimand and our neighbours in Hamilton.

This time the final decisions were mine. The OPP again worked with military precision and efficiency under incident commander Sergeant Dave Hillman, cordoning off the area, deploying a force helicopter, communication trailers and staff, dangerous goods, crime management, a mobile PA to ensure the siren could be heard from both ends of the disaster, ambulances—both local and from Hamilton and Brantford—and an emergency response team. The train contained seven cars of liquid propane. If any leaked out as they lay in their twisted state, or ruptured when being righted or drained, the outcome was death to anyone close to the ground.

To add to this disaster was the Canadian Gypsum Co, which mines gypsum with several hundred employees, and two large trucking companies that were in the direct path of any spillage of escaped gases. The OPP had their experts arrive immediately, along with emergency services, to advise me as to all the options available so I was able to make informed decisions. The advice of Superintendent Ron Fox was much appreciated. We had to evacuate the entire Canadian Gypsum Co employees and the two trucking companies. Local farmers requesting to feed livestock were escorted in by the OPP between off-loading starts. Robinson Stables, Canada's best in harness racing, a standardbred \$10.4 million dollar a year breeding facility, was advised to get trucks and carriers available in the event of evacuation. Several of our residents, the Six Nations and the Mississauga New Credit people were either evacuated or put on notice to be ready to move at a moment's notice. I needed the OPP's experts and they were there for me and the people of Haldimand.

We seemed to go through a very dark time. Several of our young people were being killed in accidents on provincial Highway 6. Something had to be done.

We formed a Safe on Six committee. We placed chevrons on the shoulders and on the lines which marked the highway. People donated their land so we could place Safe on Six signage. We had students from the local high schools on our committee, and we worked with them to bring awareness to their fellow students. We erected signs that showed the fines that would be imposed if you were caught speeding. And again the OPP were there helping, suggesting and guiding us.

A good police force is of paramount importance to keeping our community safe and secure. I am a business woman, a farmer, a daughter, a mother and especially a grandmother, and keeping Haldimand safe is important to

me. I hope you will seriously consider my application. I understand the value of strong policing in our community and would really like to work towards that goal.

**The Chair:** We begin our questioning with the official opposition.

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** Thank you very much. I appreciate your explanation. I noticed in your background as one of your positions the Safe on Six committee, and I was going to ask you what in fact that initiative was all about. I certainly appreciate the explanation that you have provided for us here today. It sounds like obviously a successful one.

With regard to your intended appointment to the police services board, I do have a few questions. First of all, how is it that you have come to be an intended appointee here this morning?

**Ms Trainer:** I saw the council's appointment was in the newspaper—Jack Esselment, whom I've worked with in the past. He had been chosen, as I said, by council. There had been advertisements in the paper for people to respond, but not for the provincial appointment. I happened to be at an event where Toby Barrett, who is our local MPP, was and asked him if they had appointed anyone provincially. He said, "No, are you interested?" and I said, "Yes, I think I would be." So he said, "Well, send me a resumé," and here I am.

**Mrs Dombrowsky:** So you sent your resumé to Mr Barrett—

**Ms Trainer:** And he forwarded it.

**Mrs Dombrowsky:** Did you apply for the municipal vacancy on the board?

**Ms Trainer:** No, I did not.

**Mrs Dombrowsky:** Is it because you preferred to be an appointee of the province?

**Ms Trainer:** No—I don't know. I thought about it and then I didn't send one in, and then when I saw the picture in the paper of Mr Esselment, I thought maybe I should apply. It just happened that I met Toby, and we got a conversation going.

**Mrs Dombrowsky:** You have in your background information certainly outlined your municipal political experience. Have you political experience at any other level?

**Ms Trainer:** No. Do you mean provincially or federally? No.

**Mrs Dombrowsky:** Are you a member of a political party?

**Ms Trainer:** Yes, I am.

**Mrs Dombrowsky:** And that party would be?

**Ms Trainer:** The Progressive Conservatives.

**Mrs Dombrowsky:** Have you actively worked for a candidate? Have you pursued a role? Are you a member of the executive?

**Ms Trainer:** I've done some calling to get people out to vote for Toby.

**Mrs Dombrowsky:** So when you approached him about this he certainly would have recognized you as a supporter.

**Ms Trainer:** Oh, yes. Toby and his wife Cari and I went to school together—a long history.

**Mrs Dombrowsky:** You've indicated in your background that you have past experience municipally. Have you any aspirations for the next municipal election?

**Ms Trainer:** Yes. I do plan on running as mayor.

**Mrs Dombrowsky:** You plan on running as mayor of—

**Ms Trainer:** Of the county of Haldimand.

**Mrs Dombrowsky:** Do you think that would place you in a potential conflict? First of all, how are appointments made? How many people does Haldimand county have on the police services board?

**Ms Trainer:** The mayor, another councillor, their appointee and then two provincial appointees.

**Mrs Dombrowsky:** OK, so as mayor of Haldimand county you would automatically be a member.

**Ms Trainer:** If I so choose. I guess the mayor can choose whether she or he wants to be on the board, or they may choose another councillor to be, so there would be then two councillors.

**Mrs Dombrowsky:** So if you're appointed today and you run for mayor and you're successful, obviously there would then be a vacancy in a provincial appointment position on the police services board.

1020

**Ms Trainer:** I would just be changing chairs.

**Mrs Dombrowsky:** You would be changing chairs, but there would be one chair vacant, would there not?

**Ms Trainer:** Yes. They would have to appoint someone else.

**Mrs Dombrowsky:** Yes. So we would go through this exercise and then conceivably, some months down the road, do it again. We would go through this exercise today and then there would be a need for another appointment.

**Ms Trainer:** Yes.

**Mrs Dombrowsky:** Did you consider that when you asked Mr Barrett? Were you aware that you were putting your name forward to be mayor when you spoke—

**Ms Trainer:** I was considering it quite strongly at that time.

**Mrs Dombrowsky:** You were? All right. You don't see that as a potential problem that the board might be short-handed for a period of time if you would be successful in pursuing that role as mayor?

**Ms Trainer:** No, because it's been short-handed for a very long time right now.

**Mrs Dombrowsky:** That would be my point.

**Ms Trainer:** So I guess it hasn't been a problem.

**Mrs Dombrowsky:** I guess my point would be that I think it would be important to place someone on the board—and that typically happens across the province where the provincial appointments to police service boards have been left vacant for a number of months and, in some cases, years. So finally, when we get a provincial appointment, then to see that position might be vacated in the not-too-distant future, to me it seems very unfortunate that we put this effort and energy into that appointment.

Would it be your plan during the time of municipal campaign to absent yourself from your duties on the police services board?

**Ms Trainer:** Definitely not.

**Mrs Dombrowsky:** OK.

We have some of your work background. Often, intended appointees will provide us with a little bit of professional background, education and training. Would you be able to share some of that with us?

**Ms Trainer:** I guess my main education was business training. I worked for IBM, International Business Machines. It was quite exciting because it was right on the brink of computers really becoming very important to the community. We had a bigger room than this just for the computer. Now we all have the little laptops. So it was quite exciting to see it grow. Programmers were almost gods. They were highly regarded. Now you have young children designing their own programs. So it was a very exciting time for me.

**Mrs Dombrowsky:** In your remarks you spoke about some of the policing issues that you were aware of and worked to address when you were politically active municipally. What are the key issues at the present time that you believe require some attention?

**Ms Trainer:** I've lived in this community all my life. My children are living in the community and raising their families now. I think policing issues are very personal. Up until 10 years ago, we never locked our doors or took the keys out of our vehicles. I think hard-working people should expect that level of security in their community. We shouldn't have to turn out the lights and hide things when we go out for the evening. I will dedicate my full energy and support to ensuring police presence in the community.

We personally had a home invasion—as I said, we never locked our doors. We live close to the Cayuga International Speedway and we've never had a problem with them at all, until they started having rock concerts on the 24th of May weekend. Many of the neighbours had quite a bit of trouble; my son was building a house on the lot off the farm and our generator was stolen; my nephew had his barn broken into. The people said they were just looking for a cat. My brother had his dog stolen. One neighbour had her door broken right down. She was planning on going away that weekend but had to stay home. They just stole food and beverages.

I did lock the door that evening. My son was going out and I said, "Since it's 24, maybe I should lock the door." I'm glad I did, because the outcome could have been different. I have doorbells—

**Mrs Dombrowsky:** So security in general would be one of your chief concerns?

**Ms Trainer:** Yes. They tried to break right in when we were home.

**Mrs Dombrowsky:** Thank you very much.

**Mr Michael Gravelle (Thunder Bay-Superior North):** Good morning, Ms Trainer. I must admit that it does seem a little strange—just to follow up a bit on Mrs Dombrowsky's comments—that you're going to be in a

position where, if you're appointed today, you will be the provincial appointee who may indeed then be the municipal appointee if you are successful when you're running for mayor. I guess in some sense it gives you a bit of a leg up in terms of some of those issues. I'm not sure if it is inappropriate, but it seems a little bit odd, six months before an election, when you're actually campaigning—you've publicly announced, I presume, that you're campaigning—that you'd be taking this position. It doesn't strike you as being strange or unfair?

**Ms Trainer:** Well, everything happened quite a long time ago; it has just taken a long time to get to this position. I guess things have all come together at once.

**Mr Gravelle:** It is unusual. You'll be in a position, certainly as an appointee, to be able to make, obviously, some statements that to some degree will have a bit of a political quality to them because you'll also be campaigning. I think we all understand that sometimes that can be—

**Ms Trainer:** But I'm told that any position on anything that happens on the police services board is supposed to come from the chairman.

**Mr Gravelle:** Sure, but you'll still be making comments. But I do want to ask you, if I've got any more time left, Mr Chair—

**The Chair:** Last question.

**Mr Gravelle:** I'm curious as to how you feel about the restructuring process that went on in Haldimand-Norfolk. That was pretty controversial, as it is all across the province; we've got our own story, certainly, in my part of the world in northern Ontario. So I'm curious as to how you feel about that.

**Ms Trainer:** That was one of the questions I thought you might ask. I did write a couple of notes. I got your 26 questions, plus I put down some other things I thought you might ask. I was definitely for restructuring of the police force. The OPP is considered the premium in policing services. They have the highest standards and the best equipment in all of Ontario. So what more could we ask for?

**Mr Gravelle:** I meant the municipal restructuring itself, the whole restructuring of the municipality.

**Ms Trainer:** Oh, not just the police force. I was for the restructuring. The majority of the residents wanted restructuring. We had been Haldimand county and Norfolk county for over 150 years, and only for 25 years were we a region. It never seemed to come together. There always seemed to be a great divide, and so the majority of the people wanted it. I don't know if they're that happy about how it has happened. It hasn't happened as smoothly as they expected. I don't know what would happen now if you took a consensus, but at the time a large majority was definitely for restructuring.

**The Chair:** That's it for you. We now move to the third party.

**Mr Tony Martin (Sault Ste Marie):** I actually wanted to follow up on the previous question and have you help me understand, first of all, how at a time when this government was making larger communities out of

smaller communities and in some instances riding roughshod over people's strongly felt commitment to small municipalities that had grown up over the years and that they felt attached to and could identify with and had all kinds of interesting historical characteristics that they didn't want to lose—in this instance, with the Fewer Politicians Act in 1999, your region was actually split up and went back to the two smaller entities. How did that anomaly happen when across the province it was the other way around?

**Ms Trainer:** It was a majority of the people. They wrote letters, sent in comments, came to committee meetings. We were actually 28 small little communities, and then we formed Haldimand county and Norfolk county, and then we had a region over top. I would say the people didn't really want that to happen when it did. They wanted to keep their small little communities, but Nanticoke came in, with Ontario Hydro, and the steel company and Imperial Oil. Those three huge companies did not want to deal with all these little communities dotted all over the place. They didn't want to deal with 28, all these different councils with huge numbers of people on them. So that's when they decided to amalgamate and make Haldimand county and Norfolk county. Actually, they made it into six. They made it into Dunnville, Haldimand—the city of Nanticoke was actually the one that then ended up dealing with the three large companies—Simcoe and Norfolk.

1030

**Mr Martin:** I just find it strange and interesting. I'm trying to get a handle on how this could have happened politically. Certainly the people of Toronto, in a referendum that was held, said no, they didn't want amalgamation, but it was forced on them anyway. In the Sudbury area, it was basically the same thing. Yet in your area the complete opposite happened. What kind of political influence would have to be brought to bear to actually have an anomaly like that happen at a time when we were going in the other direction?

**Ms Trainer:** We had someone come down and actually tour the entire region and interview people who wanted to speak to him. As I say, there were letters and pressure from the councils. He was listening more or less to the majority of the people about what they wanted at that time. Yes, it was interesting, because a lot of people wondered how we got that.

**Mr Martin:** Yes, because in the Hamilton area there were a lot of small communities that wanted to retain their communities and their entities, but they were just forced by the bigger entities to—

**Ms Trainer:** I know one big issue was our courthouse. We had one in Simcoe and one in Cayuga. We were told that if we were a region, we would have to lose one, and it looked like probably Cayuga's would have to go. People just started protesting. They did not want to lose the courthouse. Again, we have two nursing homes and one would probably have gone—sort of those things. It's like motherhood and apple pie. People wanted to hang on to those things. So they really put a concerted

effort into saying, “No, we want to be back to two counties like we were before so we can keep all those things.” Because if you’re a region, you only need one of each, but if you’re a county, you also need one.

**Mr Martin:** Again, it’s an interesting example of a juxtaposition that is up in Chris Hodgson’s area, where a forced amalgamation was the order of the day. There was a huge backlash, and this government decided to go ahead anyway. I think that issue is still brewing there.

What role that you’re aware of did Mr Barrett and perhaps yourself and the rest of the Conservative organization play in the breaking up of that regional government?

**Ms Trainer:** I know Mr Barrett did several surveys of the people. I think they did a lot of random calling just to see what the average feeling was out there. His results must have been that the people wanted it to be back to Haldimand county and Norfolk county. A lot of people feel there’s a great divide between the two counties. They wanted to go back to what they had been for 150 years. So in a way we were going back to what we had for 150 years.

**Mr Martin:** But in other jurisdictions that wasn’t allowed to happen, even though the strong sentiment of the people was that they wanted to retain their entity.

Your role in that as mayor of Haldimand, would you—

**Ms Trainer:** Yes, they came right to our council and let every councillor have their say. They were allowed to present it on paper, present it verbally, any way they wished. They were allowed to send more if they came up with some more information. The whole process was very open. They were really trying to find out what the majority of the people wanted. They went to all six councils across the region plus the regional council and really listened to the councillors and then let as many people as wanted—they would have stayed as long as people wanted to keep coming and making presentations.

**Mr Martin:** Was policing an issue back then?

**Ms Trainer:** No, because we had already done that. We had regional police in the majority of our towns and the OPP did the rural areas. We had already gone to one police force; we already went to the OPP. A lot of our regional police officers joined the OPP. They had that option.

**Mr Martin:** When it was determined that one county should have to pay more than they thought they should for that policing, were you involved at that point at all?

**Ms Trainer:** A little. There was a great concern. The budget is around \$13 million and it was in a 60-40 split, which was about right. There are some 60,000 in Norfolk and some 40,000 in Haldimand. The only problem, and it seemed to keep showing up and the officers were quite concerned, was that Haldimand was only getting about 36% of the services. Maybe that’s why we were having a lot of these problems, because we didn’t have the officers. It seemed like Norfolk was getting more service than Haldimand and that was causing a little bit of a problem. I don’t know why they couldn’t have sat down

and rectified that, but I wasn’t a part of that, as to what happened there. So it was decided to split the police force.

**Mr Martin:** You said the budget at that point was about \$13 million.

**Ms Trainer:** That’s approximately what it is now. I’m not sure. It was around \$11 million or something. It keeps going up. But then they have been adding officers, they have been adding cars.

**Mr Martin:** So both counties now have a contract with the OPP?

**Ms Trainer:** Yes, still with the OPP, but now it’s split. It’s not one force across Haldimand-Norfolk. Haldimand has its own OPP force and Norfolk has its own OPP force.

**Mr Martin:** Do you foresee any possibility of putting them both together again at some point?

**Ms Trainer:** How does anyone guess that? That has just happened now. I think the police officers themselves are happier. But it has only been since February, I think, so they haven’t really had time. You need a couple of years to settle in and see if it’s working.

**The Chair:** That, believe it or not, concludes your questioning, Mr Martin. I always hate to be the person to bring the bad news.

**Mr Martin:** I know you do. Mike and I both know that. Every week it’s the same.

**The Chair:** Now we move to the government caucus.

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

**The Chair:** The government caucus has waived the balance of its time, so that concludes this particular appointment. I want to thank you very much, Ms Trainer, for being with us today. You may step down.

#### LINDA FRANKLIN

Review of intended appointment, selected by official opposition party: Linda Franklin, intended appointee as member, Ontario Place Corp board of directors.

**The Chair:** Our next intended appointee will be Linda Franklin, intended appointee as member, Ontario Place Corp board of directors. Welcome to the committee, Ms Franklin. As I’m sure you are aware, you have an opportunity to make an initial statement and then questions will be directed to you from members of the committee. Once again, welcome.

**Ms Linda Franklin:** Terrific. Thank you very much, Mr Chair. I appreciate the opportunity to speak to the standing committee today about my potential appointment to the Ontario Place board, and to offer some insight into my personal background and the reasons why I believe I can make a contribution to this terrific organization.

I grew up in Oakville, about a half-hour GO train ride from the CNE and Ontario Place. When Ontario Place first opened its IMAX theatre, I went with my parents to see North of Superior. Since then, I’ve had the privilege of watching Ontario Place grow and enjoying many of its fine facilities. I’ve sat outside under the stars at the forum

and I've sung along with Jimmy Buffett at the amphitheatre. I've gone roller skating with friends and wandered between the CNE and Ontario Place enjoying the waterfront at the end of the summer. I've watched the festival of lights with our family, and I've spent many a hot summer day watching my two boys play in the water park.

Having said that, I don't go to Ontario Place nearly as regularly as I once did, and I know Ontario Place is facing challenges because of flat attendance over the past few years. My hope is that, if appointed to the board, I can make a contribution to addressing these challenges and bringing more visitors to this wonderful site.

In my professional capacity, I am the president of the Wine Council of Ontario, a job I have held for the past nine years. In that role, I am responsible for working with the government and relevant agencies to advance the interests of the wine council and the wine industry in Ontario. As well, I'm responsible for heading up the marketing of Ontario wines, in consultation with our 50 member wineries and many other stakeholders.

I began my career in journalism and communications, and early in my career I worked at Queen's Park as the head of communications for the Progressive Conservative caucus and later as the executive assistant to Ernie Eves.

In the past few years at the wine council, more and more of our marketing focus has been on tourism, and I believe my experience in this area will be valuable to the Ontario Place board as it looks at ways to enhance its own tourism visitation. Just over a decade ago, the Ontario wine industry began marketing the wine route experience in Niagara and southwestern Ontario. I have been involved in the development of winery tourism almost since its inception. Today the wine route attracts over half a million visitors a year, from a standing start just about 12 years ago, and that number is growing each year. We run special events at wineries throughout the year, we develop more and more enhanced Web site capacity to drive tourism, and we work in partnership with other tourism organizations, such as Niagara Falls Tourism, the Niagara Grape and Wine Festival, the Southern Ontario Tourism Organization, the Shaw Festival, Stratford, and many other organizations to develop the synergies that are needed to keep growing our tourism market in a very busy marketplace with lots of competition. We're also working with the local municipalities in wine regions to develop ideas for encouraging winery visitors to stay longer and visit local towns, thereby enhancing the tourism experience over the whole of the province, and trying to find ways to make winery tourism available to local towns to build their own tourism infrastructure. This is what happens in the Napa Valley, and we think it is a model that can work here in Ontario.

1040

Recently we developed a guide to the wineries of Ontario, and have just released a new wine and culinary guide. Both publications invite visitors to come to wine

country but also to enjoy Ontario wine and cuisine in fine restaurants from Toronto to Pelee Island and from Niagara to Prince Edward county, the site of our newest winery members. I know that Ontario Place has a history of looking for partnerships to enhance their tourism experience as well, and I hope I can contribute some insight to this work.

Six years ago the wine council approached the Bloor-Yorkville Business Improvement Area, the imported wine association and Toronto Life magazine about creating a wine and culinary festival in the city of Toronto. Santé is now in its fifth year—it's on this week—and I am proud to say that it's growing by leaps and bounds and attracting new corporate partners and new tourists from all over the place every year.

Last year we partnered with the CTC, the Ministry of Tourism and Gourmet magazine to create a new food and wine experience in Niagara Falls. We hope this initiative will assist in the transformation of the Falls into a culinary destination, attracting a new tourism demographic. Again, I believe that this experience will help me to contribute to the revitalization of Ontario Place.

Currently the wine council has agreed to work with the Royal Winter Fair to find new ways to build audiences for the fair and make it relevant to a new consumer audience. I know Ontario Place has also worked to attract new audiences and new partners, and I hope I can contribute to this effort.

I have always volunteered and I find the experience of volunteering to be very enriching personally, so I am very excited about this opportunity to work with an organization I admire. My experience with the development of tourism for the wine industry, I believe, gives me some insight into the challenges and the opportunities associated with creating the kinds of experiences that drive tourism visitation, and I am very much looking forward to contributing to the continued success of Ontario Place as one of our province's and country's premier tourism destinations.

Thank you, Mr Chair.

**The Chair:** Thank you very much. We will commence our questioning with the third party.

**Mr Martin:** I just want to know, given your past experience with the Progressive Conservatives and Mr Eves, are you still actively involved with the PCs in Ontario?

**Ms Franklin:** Yes, I am.

**Mr Martin:** Ontario Place has been struggling, it seems, as of late. There have been a number of reviews of its operation and recommendations made that have been, I guess, ignored, or put on the shelf anyway. One of the recommendations was that the government should cut any subsidy and the corporation should be encouraged to go after private sector. The general manager at the time suggested that they were already doing that, there were public-private partnerships already in place. What would your view be on that recommendation? It's actually a recommendation that was put forward by a commission chaired by Mr Wood, who is here this morning.

**Ms Franklin:** I think any time an organization is able to reduce its dependence on government and find new ways to partner with organizations to build business, that's a good thing. It's certainly been the case with the wine industry. We've seen it in other tourism organizations we've worked with right across the board. So I think it's very valuable, and I think, frankly, it's not just an issue of the inflow of money. There are also issues of the revitalization that a partnership can sometimes bring to an organization. So I think that should clearly be looked at.

By the same token, looking over the Ontario Place financials, it's clear that the government subsidy rate has been dropping over the years, so obviously Ontario Place has been doing a lot of hard work to try to get there. I think that I would be open to any suggestion that would enhance the experience at Ontario Place and make it stronger.

**Mr Martin:** There was also a recommendation in, I believe, 1997 to merge Ontario Place with the CNE, and that was ignored. I guess with the new Toronto Waterfront Revitalization Task Force that's back on the front burner again. What would your position be on that?

**Ms Franklin:** I'd like to understand the research a little better before commenting on what led them to that decision. I know certainly from the perspective of my role in the wine council, we had a period of years in the late 1990s where our market share was declining fairly significantly. From my perspective, we're now starting to turn that around. We've developed a strategic plan, we've developed a vision, but it took a great deal of research to get there. I think the key factor for us was always that it had to be driven by our customers. It's wonderful to have plans and ideas, but at the end of the day, when you're trying to drive tourism, you need to reach tourists with what they want to see and hear. As I said, this is a very crowded marketplace for tourism.

I would want to look carefully at all the recommendations that have been put on the table, look at the research behind those recommendations and contribute as best I can in trying to put forward a vision for Ontario Place that responds to consumers' needs.

**Mr Martin:** Why would you think Ontario Place and the CNE would be resistant to coming together and merging? What would be the issues there, do you think?

**Ms Franklin:** I couldn't begin to tell you. I have no idea at this point, but I'd be interested in reading the reports.

**Mr Martin:** In accepting to be put forward for this appointment, what would your sort of blue sky vision of Ontario Place be?

**Ms Franklin:** The strategic plan that the wine industry developed took about two years to develop. As I say, I think my first goal for Ontario Place would be to understand what work has already gone into developing a strategic view.

As I said in my presentation, I don't go to Ontario Place very much any more. In preparing for this appointment, I had a look at the Web site. I looked at the new

services that have been in place since I've been there. It's clear they've been very focused on bringing in children and providing more and more services for children, which I think is wonderful and important. They've been building the educational infrastructure at Ontario Place, which I believe is important. But I'd like to see them also take a look at how they might attract adult visitors in greater numbers. I'm not sure that's been much of a focus, but of course as baby boomers age, as children grow up, I think it becomes more and more important to find out how you attract new audiences and how you hang on to audiences you may have had at a young age but may no longer have.

I'd like to see some work go into that. I'd like to see a compelling vision that again looks at the needs and interests of tourists and tries to establish a way to bring a wide range of folks from all sorts of generations back to the park.

**Mr Martin:** I can certainly identify with your not having been there for a while. I have four children and when they were young we used to drag them in there and they'd have a great time. We'd have a wonderful day. As parents, we'd be exhausted by the end of the day, but they would have had a wonderful time.

There's a suggestion that on the waterfront we should be looking at ways to create more public open space, green space, space where people could go to have a meal without having to go through a turnstile or pay for an attraction or pay even to use the toilet and that kind of thing. What would your view there be?

**Ms Franklin:** That's a wonderful goal, and I think it's important. We have the same struggle in Oakville at the moment as well—it sits on a large chunk of waterfront—as to how you ensure that the waterfront is open and accessible to everybody in the province, because I think it certainly should be.

Having said that, of course Ontario Place is struggling right now with financing and it's really important to find a balance where you're not driving people away from admissions to Ontario Place. It's important to find that balance, to find ways to encourage more people to visit the waterfront free of charge so they can enjoy it, and also to find more ways to encourage people to want to pay the admission cost to get into Ontario Place and enjoy what's there.

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

**The Chair:** We now move to the government.

**Mr Wayne Wettlaufer (Kitchener Centre):** Provided you don't rule me out of order on this, being as Ontario Place is under the auspices of the Ministry of Tourism and I am the parliamentary assistant to tourism—

*Interjections.*

**The Chair:** I'm hearing conflict of interest from the other side, but I'm ignoring it right now.

**Mr Wettlaufer:** Thank you, Chair.

**The Chair:** Please go ahead.

**Mr Wettlaufer:** Good morning, Linda. I will say upfront that I do know Linda Franklin. Linda, I want to

say, both from my personal interest in tourism and my political interest in tourism, I really welcome your application. Your experience in consulting, marketing and communications and tourism is, I think, a most welcome addition, if the committee will agree to add you to the list. I really want to tell you that I thank you. I don't have any questions.

**Ms Franklin:** Thanks very much.

**Mr Wood:** We'll waive the balance of our time.

1050

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

**Mr Gravelle:** Good morning, Ms Franklin.

**Ms Franklin:** Good morning.

**Mr Gravelle:** I want to get some more details on how this appointment came about. We're always interested in that. I am curious: how did you manage to get this appointment? Did you seek it out?

**Ms Franklin:** No. What happened in my particular circumstance was that we had been working with the Ministry of Tourism for about two years, beginning with the development of a piece of the wine industry's strategic plan around wine and culinary tourism. At the end of that process, the ministry was very engaged with this idea of wine and culinary tourism, and has chosen to make it a plank in its overall strategy for the province. So we had done a great deal of work with the Ministry of Tourism in winery tourism and marketing tourism. The minister's office called me around the time that work was finishing and told me that the Ontario Place board felt itself in need of somebody on the board who could provide a marketing tourism experience and, hopefully, some insight into how to do that better, and asked if I might be interested in the appointment. I said, yes, I would be very.

**Mr Gravelle:** Did your affiliation with the Progressive Conservative Party have impact on that, as well, do you think?

**Ms Franklin:** I don't know. It was put to me in the context of the work we had done with the ministry.

**Mr Gravelle:** So it was directly with the minister that you were dealing?

**Ms Franklin:** With the minister's assistant.

**Mr Gravelle:** I'm curious, if I may, about your party connections. Your resumé indicates your direct work for them, I guess, from 1981 to 1987 and you've indicated to Mr Martin that you're still involved. Can you tell us in what fashion you are involved with the party right now?

**Ms Franklin:** Certainly. Not right at this moment, but in the past year or so, I helped Mr Eves with his leadership campaign in the Progressive Conservative Party.

**Mr Gravelle:** Were you involved with Mr Eves after his successful campaign?

**Ms Franklin:** No, I wasn't.

**Mr Gravelle:** Have you had any other affiliation with the party at all?

**Ms Franklin:** Not personally, no. I'm a member of the party, obviously, in Oakville.

**Mr Gravelle:** My understanding is that there is a Linda Franklin who is the co-chair of the PC Ontario fund. Is that still—

**Ms Franklin:** That wouldn't be me.

**Mr Gravelle:** That wouldn't be you? I know there was a fundraising event, signed by a Linda Franklin on behalf of the Ontario wine association, that went out—

**Ms Franklin:** Oh, I see. I'm not a co-chair of the PC Ontario fund, no, but we are planning a fundraising event in Niagara, not through the wine council, but rather through one of our winery members, Vincor, and I've agreed to help co-chair that event.

**Mr Gravelle:** It's just peculiar. I do have a copy of the letter. Some people got the letter who may not be as inclined, I guess, to pay the \$750 or \$250, depending on which level you wanted to be at, a letter signed by you as "Linda Franklin, co-chair, PC Ontario fund." I do have the—

**Ms Franklin:** As I say, I imagine the PC Ontario fund sent out the letter, but my role is simply as co-chair of this one event.

**Mr Gravelle:** I don't mean to be rude, but you did sign it. Your title is co-chair. So you're saying that you signed something when indeed you aren't?

**Ms Franklin:** I may have simply misread that because, no, I'm not the co-chair of the PC Ontario fund. That would be an error in the letter.

**Mr Gravelle:** But you did sign the letter. It is a fundraiser. It's an interesting letter. It brings to mind a couple of questions. Certainly, in terms of your position, there's nothing inappropriate about trying to obviously continue to do your job, but you're tying it very much in with the government's support for the industry. I guess that brings me to thinking that, if indeed you are in that position and you signed a letter such as this, it sets up a potential conflict. It obviously encourages people to come forward and spend their evening with Mr Eves. The letter says things like, "On March 27, the Honourable Janet Ecker delivered a budget speech in which our government announced ongoing support for Ontario's wine industry." There's some support of things, which again, from your position, is fine. It just seems odd now that you're saying—even though the letter went out, clearly to a lot of people, signed by you as "co-chair, PC Ontario fund." I'm a little perplexed, to say the least.

**Ms Franklin:** I'm sorry. I must admit I can't excuse the error in the letter, but perhaps it would be helpful to understand that as the head of the wine council, our council works with all of the parties in the Legislature and has for many years and has had really remarkably good relationships with every governing party. In fact, we're working with the Liberal Party at the moment to look at the possibility of a fundraiser, marrying our wine industry with a golfing experience. I would imagine over the next month or so we'll be sending a similar letter out under my signature for the Liberal Party. However, I'll be certain not to say that I'm the co-chair of the Liberal—

**Mr Gravelle:** So you didn't see the letter?

**Ms Franklin:** I'm sorry, Mr Gravelle. I did see the letter. I obviously made a mistake in signing it. I assumed when I saw the signature line that the co-chair referred to my co-chairing of the event.

**Mr Gravelle:** That's pretty peculiar. I have one other question, quickly, because I know my colleague wants to ask a question or two as well. Yes, that seems pretty odd.

**Mr Wettlaufer:** You better back off or you're going to be assisting the funding for the Liberals.

**Mr Gravelle:** It's a worthwhile question. It's a letter, and it was sent to several people.

In terms of Ontario Place itself, obviously there are some real challenges for Ontario Place and there has been some talk of privatization. I think in fact our colleague across the way here chaired a committee where they were recommending that Ontario Place be privatized. We also know that the government is, in essence, in a position of deficit unless they manage to sell assets of well over \$2 billion. Of course, the Dominion Bond Rating Service has said that the government is indeed in a deficit position and was last year as well.

Perhaps with some of the insight you may have as a result of your relationship, do you know if Ontario Place is perhaps one of the assets that the province is considering selling?

**Ms Franklin:** I wouldn't have any idea at all.

**Mr Gravelle:** My colleague, if I may, Mr Chair.

**Mrs Dombrowsky:** Good morning, Ms Franklin. I did listen with interest to your observation in terms of the decline in attendance at Ontario Place. As a mother of four children, our family visits almost every year, I would say, and now that our children are a little older, I'm very happy to take my nieces there. But I would suggest that one of the problems in terms of attracting people is the price of admission, when you consider that a play-all-day pass for children is \$28 per child. I would suggest there would be many families who would like to take their children to enjoy Ontario Place but simply cannot afford that, particularly children of low-income families.

I also note in the background—and I'm sure you've had an opportunity to read—that the support of Ontario Place by the provincial government in the last eight years has declined over 50%. As a director, is that an area that you believe you would be inclined to address?

**Ms Franklin:** I think we should look at any area that could help move Ontario Place forward. Certainly in my experience as a mother of two boys, some of those admission rates look pretty favourable when you look at Paramount's Wonderland, when you look at some of the big amusement parks in the United States that are much more expensive. Having said that, I guess it doesn't take away at all from the fact that there are going to be people who, even at the rates that they are now, are not going to be able to enjoy the park. Again, it's really an issue of balance: how you balance the needs of people to be able to enjoy the park with the ability of the park to continue to be successful.

**Mrs Dombrowsky:** I am concerned that someone who is intended to be appointed to the board of Ontario Place would suggest that a \$28-a-day pass for a child is favourable. Given the comparisons you have, that might be a fair observation, but if you were to come to my riding and consider the average income of folks in my communities, I would suggest that \$28 a day per child is not particularly favourable when you add on top of that there's parking, there are additional charges for other amusements within the park. So I would beg to differ with you on that particular point.

I'm very concerned that as an intended member of the corporation you might bring that perspective to any discussion or debate around admissions. I would suggest it probably has a very direct impact on the attendance of families and children at the park. I would also suggest that because of the lack of support of the provincial government, a government that is prepared to spend millions of dollars on partisan advertising but pulls away its support from a facility that provides a very wholesome experience for families and children, to me there's a significant disconnect there. I would hope that as a member of the board, at the very least here today, instead of saying that you're prepared to consider all avenues, you would say very clearly you believe there's a greater role for the province to play in terms of supporting a facility that provides a very wholesome opportunity for families and children in the greater Toronto area and the province of Ontario and our neighbours to the south. Are you able to say that?

**1100**

**Ms Franklin:** First, I'd like to clarify that I didn't say I thought \$28 was favourable; I said that I thought it compared favourably to other amusement parks in North America. Whether that means it's an appropriate rate in Ontario for a government-run facility is another discussion. I would certainly be prepared to look at anything that, as I said, enhanced Ontario Place, but I think it's really important—at least we've certainly found in developing winery tourism that it's very important—that you have appropriate research in front of you to understand exactly what the issues are.

In the wine industry, we found ourselves leaping to conclusions about what would raise tourism in our industry because of our own experience. When we stepped back and looked really carefully at consumers and what they were telling us, we found different things. I would be very much driven by research and by insight into consumer habits and what they're telling us their needs are, and I would certainly be prepared to look at anything that they're telling us is important.

**The Chair:** That concludes your time, Mrs Dombrowsky, and I think that concludes the time of the entire committee, as I look down my list. Thank you very much, Ms Franklin, for being with us today.

**Ms Franklin:** You're very welcome.

**The Chair:** You may step down. Thank you very much again.

## VIVIAN JARVIS

Review of intended appointment, selected by official opposition party: Vivian J. Jarvis, intended appointee as member, Ontario Human Rights Commission.

**The Chair:** Our next intended appointee is Vivian J. Jarvis, an intended appointee as a member, Ontario Human Rights Commission. You may come forward. I know you would be aware that you have an opportunity to make an initial statement to the committee, if you see fit. Subsequent to that, there will no doubt be questions from members of the committee. Again, welcome to the committee.

**Ms Vivian Jarvis:** Good morning. I thank you for the opportunity to meet with you today, and I do have some brief comments to make. I appear before you this morning because someone recommended me for this position.

During the last 40 years, I have resided in the communities of London, Stratford, Ottawa and Hamilton. Some of those years were spent as the wife of the member for the riding of Perth and raising two children. I was involved in volunteer work in the areas of mental health, hospital auxiliary, corrections and church. Each of these organizations attempted to help individuals who were in need of assistance, either physically, mentally or emotionally.

This volunteer work prepared me for the four years I worked for my federal member in his constituency office and for the five years I worked for Mr Johnson in his legislative and constituency offices. The constituency office enabled me to assist people who had difficulty meeting the requirements of the various ministries that were helping them, ie, disability pensions, housing, drug plan etc.

The volunteer work, the constituency jobs and my involvement on an Anglican national council have helped me to learn that there are many people in our society who need assistance as they work through some of life's difficult situations. In reading the material sent to me from the clerk's office, I could see how the Human Rights Commission has been accomplishing this in areas such as education, housing, seniors and health care. It is my belief that my experiences as a mother, grandmother and volunteer and my work in constituency offices may be of assistance in working with other members of the Human Rights Commission if my application is approved. Thank you.

**The Chair:** We commence our questioning with the government.

**Mr Johnson:** Vivian, you and I are very well acquainted. I just wondered about your other working experiences besides my constituency office.

**Ms Jarvis:** I have worked in two law offices as a clerk-receptionist. I have been on city council in Stratford for one term, which was two years at that time. I've worked in a number of other areas, basically as a clerk-receptionist. My expertise is basically in bookkeeping and typing, from the high school level.

**Mr Bert Johnson (Perth-Middlesex):** Did you ever work in anybody else's constituency office?

**Ms Jarvis:** Yes, I mentioned that in my opening remarks.

**Mr Johnson:** Oh, I'm sorry. Actually, I missed it. Because that was one of the reasons why I sought out your employ—your ability to work with me when I first became elected in 1995—and that was I wanted somebody who had worked in a constituency office before, if I possibly could. I want to say that I recognized a whole lot of other things in making that decision, but part of it, among skills, personality and those things that you need in a constituency office in my area, anyway, in the city of Stratford, is what I would call front-counter presence, because you get people who walk in and they want a birth certificate, they want information. That's why I wanted to ask you about your previous work, because that was one of the things that impressed me.

**Ms Jarvis:** One of the things I left out, too, is I did run a halfway house for a short time, so that included some prison work as well. But I think that also works in with my Canadian Mental Health Association work, and I believe you have a copy of some of that.

**Mr Johnson:** How much time do we have?

**The Chair:** You have lots of time; keep going.

**Mr Johnson:** It has nothing to do with this interview or anything else, but I couldn't help—Ms Jarvis knows that I have a sense of humour. But when you said that you had run a halfway house—I lived in a halfway house for a while. We were building a new house and I had sold the other one, and the new one wasn't ready, so halfway in between where I was moving from and to, there was a house that I lived in for the summer in 1994, in that area, anyway. So I just—

**The Chair:** You missed your calling, Mr Johnson, quite obviously.

**Mr Johnson:** I couldn't help but say it, with all this about the halfway house in our own family.

I didn't have any other questions of this well-qualified person.

**Mr Wettlaufer:** Hello, Vivian. How are you?

**Ms Jarvis:** I'm good, thanks.

**Mr Wettlaufer:** You know of my involvement in multiculturalism and I believe you may also know of my interest in helping the disabled. One of the things I've noticed here in the grounds cited in complaints filed with the Human Rights Commission from 2000 to 2002 is that grounds for complaint have gone from 674 in 2000-01 to 688 in 2001-02, sexual and pregnancy grounds went from 671 to 762, and disability from 732 to 1,183. I have a problem with prejudice for whatever reason; I have no tolerance for prejudice. How do we overcome an increase in these complaints? What do we do? What can the commission do to alleviate, if you will, an increasing number of complaints for these reasons?

**Ms Jarvis:** I believe the reason we are having an increase in these is because there's more awareness. People are being more open in the things that are happening to them. Before, I think it was there but we were not

aware of it. That's one of the things that the Human Rights Commission certainly has been able to do is to facilitate a lot of that. That is the only thing I can think of. I cannot give you an answer as to how you can overcome it until I have some experience working with them. I can't give you an answer on that right now.

1110

**Mr Wood:** We'll waive the balance of our time.

**The Chair:** We now move to the official opposition.

**Mrs Dombrowsky:** Good morning, Ms Jarvis. It's nice to see you here this morning. I would like to perhaps open my questions with a statement that I am impressed with your credentials as a former constituency assistant and legislative assistant. I must say, in my role as an MPP, my own experience with assistants is that they fulfill a very important role and are a tremendous support to members. I would say they must be very versatile in terms of their abilities and also to put up with what MPPs ask of our assistants on a daily basis. We need information at a moment's notice, and you keep us on time and on schedule and well-informed. So I'm sure in your role as assistant to your members, you were all of that or you wouldn't have kept your role. I say that only knowing of the very good work that my assistants provide to my office. So I did want to say that this morning. Anyone who has filled that role I know has some very special qualities.

Moving on, though, you indicated that you had been asked to consider this appointment. Who asked you?

**Ms Jarvis:** Someone put my name in to Mr Johnson's office and I had a call from Mr Johnson's office. Probably somebody in the community perhaps who had worked with me.

**Mrs Dombrowsky:** I'm sure.

Just a couple of other questions with regard to the information you provided and also your remarks. Your professional qualifications: you've indicated your expertise is in—

**Ms Jarvis:** In bookkeeping and typing, but quite frankly my education has been on the job.

**Mrs Dombrowsky:** All right. A very good place to get it as well.

You indicated with regard to your political involvement—I'm just curious; I wanted to perhaps fill in some of the question marks—that you were a campaign member for a leading candidate in the federal party leadership race in 1983. What campaign was that?

**Ms Jarvis:** That was the Honourable John Crosby. It was a four-month appointment.

**Mrs Dombrowsky:** And you yourself were the Perth candidate for a major political party in the election of 1997?

**Ms Jarvis:** In 1977.

**Mrs Dombrowsky:** You yourself were the candidate?

**Ms Jarvis:** Unsuccessful, I might say, yes.

**Mrs Dombrowsky:** For a major political party. Is it fair to assume that was the Progressive Conservatives?

**Ms Jarvis:** Yes.

**Mr Gravelle:** Good morning, Ms Jarvis. I think you deserve a medal—maybe not this appointment; this may not be the reward you want—for working with Mr Johnson.

**Ms Jarvis:** He's also a good teacher.

**Mr Gravelle:** But we all love him.

Being a former constituency assistant myself, which is how I began many years ago, and being sensitive to the kinds of things that happen in all of our offices in terms of the challenges, I applaud you and thank you for that work. I know it's extremely challenging. I think to some degree obviously that would give you some basis for experience in terms of the Human Rights Commission. But I am curious as to whether or not this is something you actually sought out. Was it suggested to you? The Human Rights Commission is not a big board. There are not a large number of members, and there are all kinds of issues that are extremely important. So I just wanted to ask you whether it was something you have thought about for some time and thought, "Gee, this is a board or a commission that I'd like to be a part of."

**Ms Jarvis:** Not really, no. As I said, my name was submitted and I had the phone call and I was asked if I would like to consider it. So I took some time to think about it. I thought about my involvement in being one of the founding members of the Perth county mental health association and the problems we saw there, my work in corrections with the halfway house and doing prison visiting and the work in the constituency office, really helping a lot of people who cannot work through the forms and don't know how to answer them and a lot of them haven't even finished public school. So when I looked at all of that and my volunteer work, I felt I had something that I could bring to the commission and perhaps this commission would be able to help make things better for some of these people.

**Mr Gravelle:** What do you think are some of the key areas that the Human Rights Commission should be working on? There were some issues recently that have come out. I can mention a couple of them, but I wanted to ask you, are there some areas that you think—clearly, freedom from discrimination of any kind is an absolute obligation in terms of our society in every way. Much like Mr Wetlaufer, I don't understand prejudice of any sort at all, but it still happens in our communities and our society. Just tell me what you think the priorities are or things that the Human Rights Commission should be watching or looking for right now.

**Ms Jarvis:** One of the biggest areas I have seen over the years is young people who are sent to prison. They learn more in prison than they had learned on the street. When they come out, they cannot get jobs, they cannot find places to live, so they end up going back into the system and back into the system. That's one area that's been dear to my heart for many years.

Some of the seniors I see are really struggling to make ends meet. That's another area I'm interested in. Certainly, seniors and the young people in our prisons are something I really think we need to look at.

**Mr Gravelle:** Tell me, if you could, in relation to that, what your thoughts are on mandatory retirement. The government made reference to it in the throne speech. I'd like to know if you have an opinion on ending that because that's one of the elements, even in terms of the Human Rights Commission, which only protects people up to the age of 65 in terms of age discrimination. I think Human Rights Commissioner Norton has spoken often about ageism being rampant in our society, and I think we all see examples of that. I'm curious, in that you may be appointed obviously shortly to this position, what your thoughts are.

**Ms Jarvis:** I noticed the mention of that in the material sent to me from the clerk's office. I find it very interesting. I will be 70 this year and I just got hired on at a law firm. I retired from Mr Johnson's office in 2000. This September, I had a phone call from a lawyer I had worked for before and he wanted to know if I would please come back and work. Quite frankly, I really feel that in your later years you've had a lot of experience, you've learned the things you shouldn't do and the things you should do, and sometimes you can bring a lot of wisdom to the position—

**Mr Gravelle:** One of the issues that has—

**Ms Jarvis:** Pardon me?

**Mr Gravelle:** I'm sorry, I apologize. One of the issues that has received a fair amount of attention in the last year or so particularly is the issue of racial profiling. Lincoln Alexander was appointed by the government to look at it in terms of some of the concerns here in Toronto. Are you familiar with that? Have you been following that issue and do you have any thoughts on it as well, whether or not you think it exists, whether there is a stereotyping in that regard and, if so, how you feel about it and what you think should be done in order to eradicate it?

**Ms Jarvis:** I can honestly say I don't have a lot of expertise in that area. I have kept track of it through television and radio. I do not think it should be happening. I live in Stratford and we don't have a lot of that there. I would have to read and learn about that and make some decisions after I had spent some time getting some information. So I can't give you that answer today, but I do not believe in prejudice of any kind.

**Mr Gravelle:** I think the Toronto Star in particular was making a major issue out of that, at least identifying it as a major issue. I'm just wondering if you followed that issue at all.

**Ms Jarvis:** Yes, I have followed it in the newspapers, but that's as much as I have done.

**The Chair:** That actually completes the time.

1120

**Mr Gravelle:** I thought I was right on the button, Mr Chair.

**The Chair:** We now move to Mr Martin.

**Mr Martin:** I really appreciate your being frank and honest in terms of your political affiliation and your involvement with members of government. I note that in 1995 and 1999 you were campaign chair for the sitting

member in the Ontario provincial election. We're told very clearly in our offices that we're not a political office; we're an office of government, and political activity is to be left to those who are more separate and partisan. Was that a problem for you in terms of maybe a conflict of interest or whatever, being campaign chair?

**Ms Jarvis:** I was not campaign chair; I was campaign office chair. I only managed the office; I was not Mr Johnson's campaign—

**Mr Martin:** You managed the—

**Ms Jarvis:** The office, the volunteers.

**Mr Martin:** The committee room?

**Ms Jarvis:** The committee room.

**Mr Martin:** You didn't see any difficulty?

**Ms Jarvis:** I've just done it all along. That's something that I had done, the same as belonging to the Anglican church for all these years. You know: I'd been there. I was asked to help and I helped.

**Mr Martin:** OK. In respect to your always belonging to the Anglican church and your mention of it in your resumé, there are a number of issues that the Human Rights Commission has to deal with on a regular basis that may have some ramifications for those of us who have religious affiliation. We have things we believe as practising members of a particular faith group and they're not always in sync with the pluralistic society that is out there and where we need to go if we're going to offer everybody equal opportunity and be respectful of differences and that kind of thing. In terms of the debate that's going on right now in society around the right of gay and lesbian people to be in relationships and to marry, what would your position be on that subject or that issue?

**Ms Jarvis:** That's something I'm still considering. I haven't read all of it and I'm not that involved in that end of it in the Anglican church. It has not come into our area. It is at the national level, but the national committee that I spoke to you about is not the national Anglican group that is looking at that. It's the bishops' committee that is doing that, so I'm not really that involved with it. It's very complicated and I could not give you an answer on that. I would not be prejudiced against them, but what is right and what is wrong, at this point, I—

**Mr Martin:** So if the bishops at some point, after having duly considered this, come down with a position as Anglicans, and you as a practising member of the Anglican faith on the commission were confronted with having to make a decision on somebody's behalf, how would you deal with that?

**Ms Jarvis:** Well, what the Anglican bishops would decide would not necessarily be what I would want. I'm on the council of churches in Stratford. I work with all of the denominations. We have a food bank at our church. Everyone is welcome at our church. I worked with NeighbourLink, where all the churches work together to help those people who cannot help themselves. Just because the Anglican church would make a decision does not mean I would agree with them. So I would not have a

prejudice in that way. Do you understand what I'm trying to say?

**Mr Martin:** Yes. I have to tell you that I struggle with some of the same issues, because I'm a very devout practising Roman Catholic. These are issues that are brewing and being debated and discussed. In discussions and decisions that I make, I find myself having to factor in all kinds of things. But you're being appointed to a commission that's going to have a very clear and direct say in whether people have their rights supported or defended or not.

The other issue that's one of some significant debate within faith groups and that again you may find challenging is the whole area of access to abortion. Is that something you've given any thought to, if something like that should come before the commission, and how you would deal with that?

**Ms Jarvis:** I have thought about it a great deal. I was on the board at our hospital many years ago and we had to make the decision as to how we were going to deal with that. I do really feel that it depends on the circumstances, if a woman's life is in danger, or the child's life. You have to take all the different circumstances into consideration; I find it very difficult to say one way or the other in that situation. I believe in the sanctity of life, I really do. To me you would have to take a look at the situations.

**Mr Martin:** Those are all my questions.

**The Chair:** That concludes the questioning from the members of the committee. Thank you for being with us.

**Mr Mazzilli:** On a point of order, Mr Chair: I know it's the top of the ninth inning and the bases are loaded, but in fairness of team sport, is pinch-hitting allowed in this game?

**The Chair:** We certainly have allowed it with all parties. I remember when Mr Gilchrist came in for an appointment of someone from his riding to the Ontario Environmental Review Tribunal. I knew you didn't object then so I knew you wouldn't object now.

**Mr Mazzilli:** You're a very fair umpire.

**The Chair:** Glad to hear that.

#### HOWARD WETSTON

Review of intended appointment, selected by official opposition party: Howard Wetston, intended appointee as member and chair, Ontario Energy Board.

**The Chair:** The next intended appointee is Howard I. Wetston, who is the intended appointee as a member of the Ontario Energy Board. Welcome to the committee, sir. I know you are aware that you have an opportunity to make an initial statement, if you desire to do so. Subsequent to that the questions will come from members of the committee, and we will be commencing with the official opposition when that starts.

**Mr Wetston:** I do have a short opening statement, if I may. I have a copy of it, if the clerk would like a copy. Perhaps I can present it afterwards if that's convenient.

I appreciate the opportunity to be here today to discuss my proposed appointment as the chair of the Ontario Energy Board. I am delighted to have been asked to undertake this important assignment. As you can see from my CV, which I hope you have a copy of, I've had a diverse career, and that career has primarily been in the public sector.

I've been involved in economic regulation at various times in my career. I was assistant general counsel at the National Energy Board during the unfortunate, ill-fated days of the national energy program. I was general counsel of the Canadian Transport Commission during the early days of the extensive deregulation initiatives, particularly in the airline and railway sectors. I came to understand the highly technical but critically important goals of economic regulation.

During that period I also became general counsel of the Consumers' Association of Canada in the early 1980s. You'll recall this was a period of considerable consumer activism in Canada and worldwide. The CAC, although it faced opposition, eventually was welcomed by regulatory agencies before which it intervened and influenced, in my opinion, important regulatory decisions and policies. I acted as counsel to the consumers' association in numerous hearings and I was the director of the regulated industries program.

In the late 1980s I became what is now known as the Commissioner of Competition. It was then called the Director of Investigation and Research. It's now located in Industry Canada. It used to be in Consumer and Corporate Affairs Canada. This was a period of considerable merger and acquisition activity in Canada, and the Competition Bureau had the responsibility for merger review and other areas of anti-competitive conduct under the Competition Act. It was a period of globalization. Deregulation and privatization and the impact of new technologies all served to enhance the role of competitive markets.

I came to appreciate the conditions of a competitive marketplace in comparison with regulation, which of necessity attempts to replicate the results of competition or correct its defects.

From 1993 to 1999 I was privileged to have been a judge of the Federal Court, Trial Division. I learned the importance of the rule of law. I acquired a knowledge of adjudication in conducting applications for judicial review as well as many trials. I learned to listen. Patience became an important factor. I tried to understand the issues and, most importantly, to be even-handed and fair.

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I carried this experience, I hope, to my present position as vice-chair of the Ontario Securities Commission, where I am involved in considerable hearing and policy work. Our primary goals at the OSC are investor protection and the efficiency of Ontario's capital markets. I am proud to be associated with the OSC under the leadership of David Brown and its highly motivated and capable staff. It is clearly a successful regulatory model worth duplicating.

In conclusion, the OEB faces many challenges: enhancing the efficiency of the tribunal; developing sound regulatory policies for today's energy markets, and the future of course; and most importantly, protecting Ontario's energy consumers. I feel my background is well suited to accept these challenges.

I appreciate the opportunity of making this opening statement. I look forward to your questions.

**The Chair:** We begin the questioning with the official opposition.

**Mr Bryant:** You are an esteemed constituent of the great riding of St Paul's, so I will be polite, but there will be no special treatment, of course. I'm sure you've had a number of people say to you, "What are you thinking of?" To go from the Ontario Securities Commission, where you're a vice-chair, to become the chair of the OEB may be like moving from the Bank of Montreal to the Trois-Rivières credit union, given the number of people that you are now going to preside over as chair.

The conventional wisdom is that the OEB just doesn't have the budget to be effective. What's going to happen to the budget under your leadership?

**Mr Wetston:** While I think it's a good question, it's not something I can comment on specifically without being in the mandate. There is no question, Mr Bryant, that one of the first things that we'll have to review is the resources of the OEB, both financial and human. I think, obviously, because it will be a self-funded crown corporation operating very much in a commercial model like the OSC, we're going to have to look very carefully at whether or not we have a sufficient budget to do the job. I think the simplest way I can put it is if we can work within the existing budget and work effectively, we'll do so; if we need to increase the budget, that may be the only thing we can do to achieve the levels of performance I think will be expected of the OEB.

So basically, I think the matter will require review and careful planning. As you know, budgets are meant to be utilized to fit the mandate and the goals of the OEB to achieve the results that are expected of it. So it has to fit the strategic planning exercise, the mandate and the objectives that it's there to serve. I think we'll review it and hopefully create a budget that makes the OEB an effective regulatory organization.

**Mr Bryant:** The self-financing model—how is that going to affect consumers?

**Mr Wetston:** My experience at the OSC in using a self-financing model is that it affects consumers positively. What it does, firstly, is that, while you can always say something is indirect versus direct, all the fees of the OSC come from industry. My expectation is that all of the fees will come from industry for the OEB. Now, somebody's got to pay for it, that's obviously the case, but I think in relative terms, when you look at the distribution of income associated with a self-financing model, you'll probably find that it affects consumers positively because what you get is an agency that is able to do its job. In the case of the OSC, it has increased enormously its enforcement function in protecting the capital markets. In the case of the OEB, it has to be

towards improving the efficiency of its tribunal operations, ensuring it has the resources to do the policy work to provide the advice to government if necessary. So I think they go hand in hand and I don't think consumers are in way adversely affected by a self-financing model. I think it's positive.

**Mr Bryant:** Just on that fairly narrow point—but it's one that's been raised by consumer groups—the past practice generally has been that those interveners before the Ontario Energy Board who don't have the resources of the industry have some of their expenses paid for by the Ontario Energy Board—

**Mr Wetston:** Cost awards.

**Mr Bryant:** Cost awards. Do you anticipate that kind of practice continuing?

**Mr Wetston:** I think so. I think it's very effective.

**Mr Bryant:** Switching gears again—sorry, time is short—retroactive decisions have become extremely controversial. The Premier went on a radio show to express his concern about that—and I'm going to have a question about independence later, so that's not my question right now.

I know under the bill, if passed, there would be a change in the way we would have retroactive decisions and how they would come forward. Retroactive decreases are popular; retroactive increases are not. Are we going to see no more retroactive decreases?

**Mr Wetston:** I think we have to do what the legislation tells us to do. That's the first thing. So if the legislation takes away the authority for any retroactive rate-making or decisions, then I think that's what we will do. I think being a lawyer, as you are, you understand the nature of retroactive decision-making in any capacity. I think for the most part one wants to avoid it. At the end of the day, sometimes it's your only policy choice. But I think if the legislation removes it, we will obviously be guided by what the legislation advises us with respect to retroactivity.

**Mr Bryant:** As this new timetable is being imposed by legislation, if passed, in the decision-making process, then due process concerns arise, if suddenly the opportunity for hearing both sides is somehow limited. How is that addressed?

**Mr Wetston:** In a retroactive setting?

**Mr Bryant:** Yes.

**Mr Wetston:** I don't think it's affected by the issue of how these hearings are conducted or if you have a hearing with respect to that matter. Basically, as an issue of retroactivity or any other significant issue comes up in the hearing context, the most important consideration is that those affected by it have to be heard. Then their views need to be considered as part of the decision-making process. So I think that's just part of the natural justice, fairness and responsibility of an adjudicative tribunal.

**Mr Bryant:** Moving over to that issue of independence, the Premier referred to the chair of the Ontario Energy Board as "that great socialist." The Premier, on a radio show said that he was "frustrated and annoyed" with the decisions of the OEB.

**Mr Wetston:** Speaking of myself as the great socialist?

**Mr Bryant:** No.

**Mr Wetston:** I wanted to hear the context.

**Mr Bryant:** It was the former chair, Mr Laughren.

What we often hear in the Legislature when we ask questions of the minister is that the Ontario Energy Board is an independent body and government cannot be interfering with it. There clearly was interference with these statements by the Premier. What I'd like you to talk about, as a former judge and in your incoming capacity, is the importance of independence and to what extent government interference or directives affect the ability of the Ontario Energy Board to operate effectively.

**Mr Wetston:** I think it's a really good question, and I mean that. I think it's a very important question to any regulatory tribunal. There is no tribunal in this country that doesn't face that issue. It's part of the administrative law; it's part of the machinery of government; it's part of our system, the way we have organized regulatory tribunals in Canada.

I think there's a bottom line, and to me it's this: if you are in a quasi-judicial role, there can be no interference with the decision-making process whatsoever. If there's a cabinet review, there's a procedure for that which is known in law, and the courts have dealt with it, which you're aware of.

If, however, it's a policy role, then I think obviously the government has as much responsibility to fashion policy in key sectors as an agency does with respect to its own responsibilities. So my sense of independence—and it's not abstract, because it's important, and it's critical to the way our regulatory bodies or agencies function—is that a regulatory tribunal must be seen to be able to do its job, to be able to deliver the mandate. So there has to be a certain amount of forbearance on the part of the government to let it do its job. That can only occur, I think, if two things are met, for the most part on the policy side. One, I think the agency has to have the right leadership, and I'm speaking of agencies generally, not the OEB. The second thing is that it has to have the resources. It has to have the ability and the capacity to do its job. You earn the respect, then, for the work you do, and then I believe governments say, "I think this agency is doing the best it can," and in giving us the advice we need to protect Ontario's energy consumers, investors or whatever else might be involved here.

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**Mr Bryant:** What reportage, if any, formally or informally, is there, to your understanding, between yourself and the Minister of Energy? What is the level of accountability, meeting, discussions and so on?

**Mr Wetston:** There obviously hasn't been any to date of any significance, except whether or not I would be interested in pursuing this position. Once I become—if I become; I don't want to propose that, obviously; this committee has to make that decision—the chair of the OEB, then obviously I will establish a relationship with the minister that will hopefully effectively allow the OEB

to discharge its responsibilities according to its mandate. The new legislation contemplates, as you've seen, a memorandum of understanding, a detailed one. We have one, similarly, with the Minister of Finance at the OSC. On a going-forward basis we will be able to then establish what our roles are, what our respective responsibilities are, so that we can achieve an outcome for Ontario that's positive.

**Mr Bryant:** Have you discussed this issue of independence with the minister directly?

**Mr Wetston:** No, not yet.

**Mr Bryant:** The last question I have, and then I'll hand over to Mr Conway, is—

**Mr Wetston:** Let me be clear. Obviously I'm not accustomed to being a witness, so I want to be clear in what I mean by that. I think you know what I mean by that.

**Mr Bryant:** I do. I'm not accustomed to being in this position with you either.

**Mr Wetston:** You're doing a very effective job. I think you should go back to counsel work.

When I say "in my discussions with the minister," of course I talked to the minister about the mandate of the OEB and its role, but to specifically discuss its independence, no.

**Mr Bryant:** OK. One consumer complaint about the Ontario Energy Board is that there was a lack of public education amidst enormous reforms to our energy system in Ontario. Can you talk a bit about the future of the OEB being, firstly, an advocate of consumers and, secondly, as a public educator of consumers?

**Mr Wetston:** The legislation, if it's passed, requires the OEB to take on a higher role for the education of Ontario's consumers. I think that's really critical. One of the first things I will try and do is really beef up our capacity to educate Ontario consumers about energy, whether it's electricity or gas. That's very critical, because I don't think you can ever have a successful conservation strategy if consumers really don't understand what it is that's going on in our markets. So we would have to beef that up. I don't have an idea yet as to how one would do that, but there is no question about that, that the education role is really important.

I learned that when I was general counsel to the consumers' association over 20 years ago, because we had to try and get government to be more transparent about issues of that sort. It's an important role, and I can really say that we'll have to pay some attention to that.

**Mr Bryant:** Just one last short question. Were there no discussions between yourself and the minister about beefing up the budget?

**Mr Wetston:** No, only in the sense that I think in our discussions the minister advised me that he was hoping to propose legislation that would revise the OEB. He made a speech to that effect several weeks ago, as you know, where he announced my decision to go forward with the potential chairmanship of the OEB. Of course we talked about budgets from the perspective of ensuring that we, as an independent agency and as a commercial corpor-

ation, should have the budgets we need to do our job. That was really the content.

**Mr Bryant:** Thank you very much.

**Mr Sean G. Conway (Renfrew-Nipissing-Pembroke):**

Just one question. Thinking about the consumer in this and your experience at other regulatory agencies and, as you indicated, with the consumers' association, what do you have to say to Ontario electricity consumers today who hear the Provincial Auditor, among others, saying, "There's a problem. You, as consumers of electricity, are in the year 2002-03 paying 4.3 cents a kilowatt hour for power that's costing about six cents a kilowatt hour to produce"? The consumer is paying roughly 75% of the cost of the power he or she is consuming and the Provincial Auditor says, "Consumer, taxpayer, I'm worried that you're adding to a multi-billion-dollar debt." What, at this point, do you have to say to consumers about their liability, which may be growing, about debt and indebtedness on the basis of this 4.3% rate cap, which is obviously very popular with politicians—all of us?

**Mr Wetston:** That's another very good question, Mr Conway. You have more expertise in this area, obviously, given your experience with the subject.

**Mr Conway:** Flattery won't get you anywhere on this, sir.

**Mr Wetston:** I'm really not flattering you; I believe that, because I'm coming into this new mandate and have not been in it yet. I really need to study that issue and I will do that; I can tell you that.

I don't know what one can say to Ontario consumers about this. I think Ontario consumers probably have a good understanding, or some understanding, of this particular issue. Obviously the OEB has to look at it from a number of perspectives. The one thing that's clear is transparency. The OEB has to be very transparent in its consumer education function so that Ontario consumers really understand what it is and what's going on. That doesn't necessarily mean that I have a regulatory solution for that, but what it does mean is that, as part of the education function, we have to be studying regulatory solutions and understand that there are pluralistic issues at stake when it comes to the price and the impact otherwise on revenues. So I really have to say that I don't know yet, except that I certainly will pay some attention to it, and I'd be more than happy to discuss the matter with you once I get into the position.

**Mr Conway:** Thank you. You're coming; I'm leaving. So I wish you well in that important responsibility.

**The Chair:** We move to the third party.

**Mr Martin:** Good morning. You heard Mr Bryant speak of Mr Laughren and the comment of the Premier, the "great socialist" way of dissing him and taking away some of his credibility in the role. You've also, of course, like we all have, read of Eleanor Clitheroe's demise at her position and the obvious lack of understanding and respect for the job that she had to do by this government.

What's to give you any confidence that somewhere down the line, if you make a decision that is contrary or challenging of this government, they won't just do the same thing to you?

**Mr Wetston:** And what would that be, exactly?

**Mr Martin:** To diminish you—

**Mr Wetston:** Responsibilities?

**Mr Martin:** And also credibility in the eyes of the public out there as you make decisions and try to drive this very important regulatory organization at a time in our history when it is critical that we have a regulatory body that has all the credibility and power and resources that it needs to actually do the job.

**Mr Wetston:** I guess I could probably say that I'll have to deal with that situation if it occurs. I can't predict what might happen in that scenario. The only thing I could say, somewhat in relation to the response I gave before, is that the circumstances at the OEB are somewhat different. This is a regulatory body charged with a legislative mandate where I think everybody realizes there can be no perfect solution to any issue that it is confronted by. The best that one can do is do the best you can to arrive at a decision that's in the public interest.

I think a former OEB head, probably Mr Macaulay, at one time said, "I can't define the public interest, but I sure know it when I see it." I think that's the best I can do, is say I'll cross that bridge when I come to it. But if the leadership of the agency is there, if we have high-quality analysis, high-quality decision-making, I don't see why the government would need to go down that path.

**Mr Martin:** When you consider the success of regulatory bodies, in my view, over the last few years as we've moved to a regime of deregulation and privatization, to actually control costs and quality, reliability of service, etc, whether it's—you talked about being involved at the federal level when Air Canada was deregulated. There was a promise then that it would be more efficient, that it would be less expensive. We have Air Canada now on the ropes, and the price of air travel going through the roof. I mean, I pay close to \$1,000 a week to get back and forth from Sault Ste Marie on a little Dash 8, for God's sake. I could get to Europe twice for that kind of money. We have had the experience of the last year or two with the Ontario Securities Commission, where it seems private corporations run amok with things that they have said and done, with commitments that they're supposed to be making through their accountants that turn out to be untrue, information shared that doesn't—you know.

What gives you the confidence going into this particular appointment that in fact you will be any more successful with these big behemoths that are coming at us that want to take over the energy sector, that you'll be able to manage them in a way that will in fact give us better results than we've seen with Air Canada and with the securities commission? This is what the people in Sault Ste Marie are asking me.

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**Mr Wetston:** That is a good question.

**Mr Martin:** This is what they want to know, because they are scared silly of this whole thing. Wawa is on the precipice of just disappearing.

**Mr Wetston:** In what way?

**Mr Martin:** The price of energy for them, coming from a plant that they could throw a stone and hit, is driving businesses under. Yesterday, a clothing store closed. A week ago, a grocery store closed. Dubreuilville had to close down their operations up there. I mean, there just doesn't seem to be anybody able to or willing to grab this bull by the horns and wrestle it to the ground such that there is fairness any more in the system.

**Mr Wetston:** You know, you've covered a lot of areas in this question.

**Mr Martin:** Yes, I did. Sorry.

**Mr Wetston:** No, that's all right. They are obviously areas that you're thinking about and that are important to you. I mean, I could spend a lot of time talking to you about the deregulation of the airline industry. I don't think I would want to bore you with that. You could say that some of these exercises have been successful and others have not been successful. It's sometimes a matter of perspective, I must say. The reason I say that is that sometimes circumstances are outside the control of governments.

I'll give you an example if I may, since you've asked the question. In the airline industry, the governments really couldn't control the massive worldwide recession. Honestly, the governments could not control 9/11. These had enormous implications for the industry, and I'm not supporting it one way or the other. I'm just saying that there are other things that really affect how an industry functions.

I don't think I have to tell you, because you know, and know better than I do, what's affected the energy industry in Ontario over the last period of time and how some things outside the control of governments have affected the industry. I can't retrace the history of investment in the Ontario energy sector, because obviously that's not something that I have any expertise or knowledge with respect to, but I will say this: I think, and I really believe, since my role is that of a regulatory agency, that the best that we can do at any point in time is to respond to the multiple—and I mean multiple—configurations of support and opposition that exist at any point in time to something that we have to do. Our role is to balance it and to try and come to the best decision that we can, realizing that there are important stakeholder interests at issue.

From the perspective of this new bill that the minister is putting in, he really feels it is necessary for the OEB to take on a large consumer protection role, and we intend to do that. Hopefully through that process, your constituents will take some comfort in what we're doing.

**Mr Martin:** What will you be able to deliver? I guess that's the big question. What kind of confidence can we have? You're before us today and we're asking you questions so that we can determine in our mind and in our own heart and conscience, as we try to serve our constituents, whether we're making a good decision in your appointment. We want to know—

**Mr Wetston:** I might just respond, and I don't mean to interrupt. I go through the same process every time I

have to make a decision, and I've had to make many decisions.

**Mr Martin:** We see a province out there right now that is deeply concerned and anxious about this whole deregulation and privatization of our hydro, of our electricity, our energy market. We want to know—we need to know—if we're going to go down that road, and you know what our party's position is on that.

**Mr Wetston:** Of course.

**Mr Martin:** I would suggest to you, if you really want to get a good look at some of the history of hydro in Ontario, there is a good book out there right now called *Public Power*, written by Howard Hampton, that's getting some pretty good take-up and that would give you some understanding of where we're coming from.

**The Chair:** Is that the Howard Hampton we all know?

**Mr Martin:** That's him. The very same one.

**The Chair:** I just wanted to make sure it was the same one.

**Mr Bryant:** I think it's in the theology section of the local bookstore.

**Interjection:** I'm in trouble, then.

**The Chair:** I'm adding time to your questions as a result of my intervention. Don't worry.

**Mr Martin:** We need to be convinced that there is a regulatory body out there with somebody at the helm who has the trust and support of the government to actually do the job that you suggest the minister is saying you need to do, which is to protect the consumer. Because frankly, right now we have a community—I mentioned it a few minutes ago—in my area of the province called Wawa that has two or three hydroelectricity generating stations within a stone's throw of its boundary. They are charging fees that are exorbitant, I would suggest bordering on usury, to generate profit for Brascan, and driving that community to a point where it doesn't know if it has any future. You have hundreds of people up there who made investments in homes and small businesses who are now at the precipice of losing all of that, not knowing where they're going to go or what they're going to do.

What do I say to those folks when I go back tomorrow, if today I support the government in your appointment, that you are going to do that would give them any comfort that they will see some relief or at least some fairness brought back into the system?

**Mr Wetston:** I think my record of public service suggests that I have always attempted to work on behalf of the broader public good. I think the best I can say is that I will try and do the same in this position. I realize that the lifeblood of our society is not governments or regulatory agencies, but the people. They obviously have to feel that they're being dealt with fairly, honestly and openly, and that there is accountability on the part of the government in that process. That's the best that I can say.

I know the feeling, because while I live in Toronto, I come from Sydney, Nova Scotia. I lived there as a youth and my family lived there for 60 years, so I know what it's like to be living in a place and in a community that

feels like it's not getting the attention of government, or, if it's getting the attention, it's not the attention they want. So I'm very sympathetic to what they're saying. My life in public service, working on behalf of the public interest, is the best that I can say in answer to your question.

**Mr Martin:** OK. Maybe you can share with us, then, moving from the securities commission to this regulatory body, and with the fiasco that we've seen at that level over the last couple of years—

**Mr Wetston:** At the OSC?

**Mr Martin:** Well, in the whole area of regulating investments—

**Mr Wetston:** Oh, the securities markets. Right.

**Mr Martin:** —and that industry, where people in places like Wawa lost their investments that they thought would be there for them as they retired, to depend on as their pensions. How do we convince them that you, a person who exercised some leadership at that level—watching what happened over the last few years, a lot of it driven by bad decisions and in some instances criminal behaviour on the part of some of the leadership in some of those organizations, how do we convince ourselves and the folks out there that you'll be any more successful? What experience do you bring from there that you can apply at the energy board that will be helpful in giving us some comfort?

**Mr Wetston:** When I joined the OSC, I think there were 30 or 35 people in the enforcement branch. There are now over 80. I think the OSC has a state-of-the-art enforcement regime in place to deal with violations of securities laws. I think the securities industry is complex at best, from the point of view of attempting to ensure that those who are violating securities laws are removed from the capital markets and don't continue to put investments at risk on the part of investors.

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The first thing that you have to understand—and I know you do—is that investors invest to make money. The second thing is that there's always a risk, and not all of the loss of money can be attributed to violations or security flaws or corrupt members of the capital markets. In the event that the OSC comes across violations, I think in the last several years we have pursued them vigorously. But you're right: we can't get them all, and there's more than the OSC involved in the administration of this area of the law. There's the Investment Dealers Association, the Mutual Fund Dealers Association, because obviously the capital markets are complex.

The only thing that I can say is that the experience that I've had at the OSC, while different, because we have a very large enforcement mandate, which is not the same as the economic mandate of the OED, is to ensure that we've got the resources to do the job in areas that are required. If that means ensuring we have state-of-the-art analysts and people, I'm sure of which we have many now, who can understand the evolving issues in the energy markets and come up with policy recommendations to the government that are important not only for

investors, and I think you know what I mean, but consumers, that's what we're going to try and do.

**Mr Martin:** You're comfortable and confident that, given this position, and this government's intent to move forward with a deregulated, privatized generation and delivery of energy to consumers in Ontario, you can, in fact, protect the best interest of consumers?

**Mr Wetston:** I think the decision for privatization and deregulation is cabinet's decision; it's the government's decision. What I can tell you is that once the government makes a decision, we will function as a regulatory agency in the broad public interest, and I'm confident we'll do that.

**The Chair:** We now move the government caucus, Mr Wood.

**Mr Wood:** How long do you think it should take the OEB to make a regulatory decision from the time an application is made until a final decision is rendered?

**Mr Wetston:** It depends on the case, sir.

**Mr Wood:** Give me a range.

**Mr Wetston:** There is legislation now which suggests that a decision of the OEB and an order must be made within 60 days, and that's in the bill. That makes a lot of sense to me. But I think if you're sitting on a hearing for one year and you have hundreds of days of transcripts and technical evidence and experts, it may take considerably longer to make a decision. I need to study that as an issue and I need to come to grips with how long it has taken, the length of hearings, the degree of complexity in them and what I think would be a reasonable period of time in which to make a decision.

The one thing that happens in decisions, Mr Wood, that people don't often appreciate is that you often find a stumbling block, a difficult legal issue to deal with that takes time to figure out because obviously it's important to the parties. But I would say that if there's an efficiency problem with the OEB on this hearing process, that's something we need to look at.

**Mr Wood:** You wouldn't suggest that any problem would take a year to figure out the ins and outs of?

**Mr Wetston:** Take a year to figure out something?

**Mr Wood:** Do you think there's any problem that would take the board a year to figure out the ins and outs of?

**Mr Wetston:** No, I'm not saying it from that perspective; I'm just saying that sometimes evidence can get complex. It takes a long time to get through it. It takes a long time to analyze it. Sometimes it takes a long time to come to a decision on it because of its importance and its significance. I'm not trying to evade your question; I'm trying to say that it depends on the case, but I think what's really important is that there aren't any extraneous factors that affect the decision-making process. In other words, the board has to be productive and efficient and realize the importance of getting decisions out in a timely manner, so there shouldn't be anything extraneous to that.

**Mr Wood:** You would agree that justice delayed is justice denied.

**Mr Wetston:** I think for the most part that's the case. It's a problem in the courts too, sir.

**Mr Wood:** It certainly is.

**Mr Mazzilli:** Regulated businesses are certainly interesting, and I think about them very differently today than I did yesterday. Any regulated business—look at bank mergers. I thought they were a wonderful idea a few years ago, and I look at what happens today, where they're a semi-regulated business. Without the competition, they make the rules as they go along. Whether you're discharging a mortgage or whatever, it's like, "You pay us this much, we're not going to discharge. Sue us." The monopoly: you regulate them, you give them a bigger monopoly.

So that concerns me when it comes to energy. As a board, how can you ensure that you are making decisions on regulated profit, or increases, and that those companies are running their operation efficiently so that they're giving good service and value for what they're already getting for their product, and not just coming to the board for increases for their lack of running the companies properly? I just don't see the will or even the need to have to run it efficiently when you can just go to a regulatory body and make up anything on your deficiency side.

**Mr Wetston:** I think it's a good question. It's often said that, obviously, companies that are in the regulated sector like being regulated, and that's because they get a cost of capital and rate of return that's set by the agency. And as a result of that, why do you need to be efficient and productive, because you're going to get your rate of return anyway. But I think it's changed a lot today. Not all the aspects of a regulated business are regulated. There are components to this businesses that are not regulated. It's really their monopolistic services, their utility services, that are generally regulated.

The question is a good question because I think the regulator has a responsibility to ensure that the cost of capital or the rate of return that the agency is going to achieve takes into account all of these factors that you've listed. If the regulatory body is not doing that, then it's not doing its job. I think efficiency, the use of money, how it's operating, are all reflected in the company's rate of return, and also in the conditions of its operations, from the point of view of licensing or other conditions. I think that's the role of the regulator, and it's important that they keep all those factors in mind.

**Mr Mazzilli:** I appreciate that answer, which tells me it's a very complicated matter. It's one that I'm quickly changing my perspective of where I was a few years ago on the entire monopoly, and bigger is better, without opening competition. Thank you very much.

**Mr Johnson:** I have a question. I come from near Stratford. I want to set the stage. I have a problem with ideologic.

**Mr Wetston:** Ideology?

**Mr Johnson:** Yes. I grew up on a farm; the cows had to be fed. Incidentally, we used to sit there and hope the government didn't come any closer than possible.

I found out that the chair of the energy board regulates natural gas and electricity, and I kept learning a little bit more. But my mind said, "Bert, why don't they regulate gasoline and propane?" They're volatile, blah, blah, blah. It seems to me that the grouping should be a little broader and they should be brought in, or—I think in the future you'd have to add batteries and other sorts of things—or that you would decide at some point you should do the same thing with natural gas and electricity, that—I think it happened on its own with the gasoline and the propane, and that was it was privatized by itself because that's the way it was done in the era that came about.

The other situation is, sometimes I come down squarely on both sides of the fence because I am a great proponent of supply management within the farm sector, which is a regulation not unlike this in the overall energy thing. But I guess my question—and I'm sorry I'm not more articulate, but—

**Mr Wetston:** I think I'm getting your point, though.

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**Mr Johnson:** Yes. But I think I need advice on whether I should be going toward the privatization of the other energy sources or whether I should say, no, maybe we should look at going at it the other way and regulating some of those that aren't regulated. Do what you can. You are articulate, and I admire that.

**Mr Wetston:** Let me put it this way: the distribution of propane might be a utility-like function, but propane itself is a commodity with competition, although less so, I understand now, with the acquisition of Superior Propane in Ontario, and therefore does not need the benefit of a regulator to regulate the sale of that product; the same with gasoline.

There are those who would say, "I don't understand why all of these gasoline stations charge the same price for gasoline." The issue around there is one that has been studied so much, particularly by the federal government, but I'm sure by the provincial government as well. I dealt with the allegations at the Competition Bureau, and it's no secret that everyone thinks there's a conspiracy, price-fixing, in the gasoline industry. Time and time again, studies have demonstrated that the industry does not price-fix gasoline. What happens is that, unfortunately, it's an oligopoly and it suffers from the same old problem of parallel pricing, so that you set up a price across the street, you see the price, you put up the price, and it looks like a conspiracy but it's not a conspiracy.

The reason I'm saying this is because gasoline itself is also not a utility function and doesn't require a regulator to regulate the product. It's the provision or the sale of the product, because there's competition in the provision of it. To get the oil and gas to Ontario, which may come from the west by truck or pipeline, that's a regulated event, if I could put it that way.

So I think it's a very different kind of industry. I doubt very much if you would ever see competition in various sectors in the same way you see it in gasoline and propane.

**Mr Johnson:** You get a very high mark for helping me with this, but I'm not entirely satisfied and I will seek the advice of other very knowledgeable and articulate people. Sir, I admire your ability and the way that you explained yourself this morning. There are other people here who have experience in this. I'll call on Mr Conway or Mr Bradley or something as well before I make my final decision. But I thank you ever so much.

**Mr Wetston:** Thank you very much.

**The Chair:** The members of the committee have noticed that I have been flexible with the clock because I think this is an extremely important subject and we have a witness that it's a privilege to have before us today, sir.

**Mr Wetston:** Thank you, Mr Bradley.

**The Chair:** So if you've wondered, we usually confine people to 10 minutes per caucus and we subtract your time from the government time. But I think it would be good not to see the clock sometimes in this committee when it's a very interesting situation. We thank you very much for being with us, sir. You may step down now.

**Mr Wetston:** Thank you very much. I appreciate your questions.

**The Chair:** So the committee now moves to the business of appointments review. I will entertain motions. The first is Marie Trainer, intended appointee as member, Haldimand County Police Services Board.

**Mr Wood:** I move concurrence.

**The Chair:** Concurrence has been moved by Mr Wood. Any discussion? If not, all in favour? Opposed? The motion is carried.

The next intended appointee is Linda A. Franklin, intended appointee as member, Ontario Place Corp board of directors.

**Mr Wood:** I move concurrence.

**The Chair:** Concurrence has been moved by Mr Wood. Any discussion?

**Mr Wettlaufer:** Recorded vote.

**The Chair:** A recorded vote has been requested. Is there any discussion first? If not, we will have the recorded vote.

#### Ayes

Johnson, Mazzilli, Wettlaufer, Wood.

#### Nays

Dombrowsky, Gravelle, Martin.

**The Chair:** The motion is carried.

The next appointee is Vivian J. Jarvis, intended appointee as member, Ontario Human Rights Commission.

**Mr Johnson:** I'd like to move concurrence, please.

**The Chair:** Mr Johnson has moved concurrence. Is there any discussion? If not, I will call the vote. All in favour? Opposed? The motion is carried.

The next intended appointee is Howard I. Wetston, who is the intended appointee as member, Ontario Energy Board, and chair, Ontario Energy Board.

**Mr Wood:** I move concurrence.

**The Chair:** Concurrence has been moved by Mr Wood.

**Mr Wettlaufer:** Recorded vote, please.

**The Chair:** There has been a recorded vote requested. The motion of concurrence has been made by Mr Wood. Is there any discussion?

**Mr Bryant:** The official opposition, first and foremost when it comes to this appointment, is concerned with consumer protection. We don't believe that the government of the day ought to be able to hide behind exterior factors, Mother Nature or Mother Hydro. It is its job to build the contingencies to protect consumers in the event of those alleged unexpected occurrences. We believe that the Honourable Mr Wetston is in fact very qualified and is best prepared to take on this challenge. Many would say that he is engaging in a remarkable enterprise. I suppose we would say we will support you and, as they say, may the force be with you on this.

**The Chair:** Thank you very much, Mr Bryant.

**Mr Conway:** I want to just very briefly recommend to the committee the concurrence in support of this nominee, who obviously comes to this responsibility with a very, very powerful and, I think, impressive resumé. I was particularly struck by his testimony here today. It is, as my friend Bryant says, not going to be an easy job.

I want to just simply say that in making the recommendation—and I understand the political danger, particularly for those of you who will be here after the election—and some of us, by our own plan, are not intending to be here. I just want to say to the committee, but I also want to say to Judge Wetston, that I particularly like what he said about transparency, about consumer protection and about an honest and frank recognition of a very complex set of forces that are at play on an absolutely vital public interest, especially as it relates to electricity.

I remember being in this very room five years ago—and I'm not here to re-thrash old straw. I remember having this discussion about what kind of regulatory framework and what kind of regulatory people we needed. This is now 1998—the discussion around Bill 35, the Electricity Competition Act. We at the time had at the board a very highly regarded woman, Marie Rounding by name, who was the chair. There wasn't much said publicly, but I'll tell you one of the concerns that was around privately was, given the change in public policy that we were entering into, was the government and was the Legislature willing to invest the new energy board, with its new and much-expanded mandate, with the resources that it was going to require to be the kind of referee that we were all hoping for? We didn't do that, and I'm the first one to applaud the appointment of Floyd Laughren. I worked with Floyd for 20 years. I liked him a lot and had a tremendous regard for him.

So I just simply want to say we're now getting a second chance—you're now getting a second chance. It's hard for me to imagine a stronger candidate than Howard Wetston, because he brings the judicial, the consumer,

the OSC—all of that is a tremendous recommendation for this job.

I want to say to him, assuming he's going to be appointed, that I would hope, for those consumers in Wawa and Kitchener and Pembroke, that the kind of transparency he talks about is real and is seen to be real. The problem I have over the last four or five years is that many of the powers—in fact, I think almost all of the powers—the minister now wants to visit with the new act have in various forms been there before. We have just been reluctant as a Legislature—and the referee has been reluctant, I say to my friend Mazzilli, the police officer in the room—to make the call.

Think back to a few years ago when we had those electricity marketers around—many good ones, some absolute skunks and scoundrels—and the referee would not call the skunks and scoundrels for their outrageous misconduct. What happened? The whole damn thing and all of us were smeared in the process. Consumer protection, transparency, a recognition of complexity and no magical cures, as much as the theologians might like them—absolutely, all the right emphasis.

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I simply say to the judge and his panel, the OEB, don't be afraid to pull the trigger and make the tough call to send the right signal into the marketplace, that you're not going to tolerate almost predictable flagrant misconduct. I think my friend from Sault Ste Marie makes a very good point: there have just been too many people in Sidney and Wawa and Pembroke and Windsor and Kitchener looking and saying, "Why does this referee remind me of something from one of the those professional wrestling circuses? What would it take for the referee to make a call?" I'm very impressed, I'm very hopeful, and to some degree I'm sceptical because of the five years that have passed and all the trouble and difficulty we've experienced.

A very good nominee; I think he should be supported. As they say in the Ottawa Valley, the proof will be in the pudding. I'm hoping this pudding, under Cook Wetston's able leadership, is going to taste a lot better than some of the pudding that consumers have been served up in recent times.

Here endeth the reading.

**The Chair:** Thank you, Mr Conway.

**Mr Martin:** I'm going to take a different view. We're going to vote differently on this.

We obviously see this as a very, very important appointment, particularly considering the possibilities of anything happening after the next election and thereby a road being paved that many, many of us would prefer to not to be on but that we may be on. We certainly need somebody in a regulatory capacity to take the bull by the horns and do the right thing, as Mr Conway has suggested will need to happen.

When I consider the deregulation and privatization of various sectors of our economy over the years and our attempt to regulate them, and the way that we have failed in that, both in the airline industry and in the securities business that Mr Wetston played a fairly important leadership role in, none of us will ever forget, I guess, or won't for a long time. I guess it's Enron that always comes up in our minds. We put out a paper a short time ago that basically said, "No more Enrons." Nortel, Bre-X: the list goes on and on of companies that took undue advantage of information and position to put at risk the livelihood of many ordinary working men and women across this province.

We're doing the same in the area of electricity. Electricity is just too valuable a commodity to be left to the whim of the market. Given the track record of regulating bodies in that environment, I have some real, sincere fears on my own behalf and on behalf of my constituents, and particularly on behalf of the people of Wawa right now, who are looking at the loss of their livelihood and their community. I don't think, given where Mr Wetston has been, that in fact he's going to be able to do the job at the Ontario Energy Board. We will be voting against this appointment.

**The Chair:** Seeing no other person wishing to speak, I will call the vote.

**Mr Wettlaufer:** Recorded vote.

#### Ayes

Dombrowsky, Gravelle, Johnson, Mazzilli, Wettlaufer, Wood.

#### Nays

Martin.

**The Chair:** The motion is carried.

#### COMMITTEE BUSINESS

**The Chair:** The last item of business that I have for you is a discussion of next week. It appears that we have no appointees who are available for next week, so it may well be that we will not have a meeting next week. Either people have not been called or they happen not to be available. Some of the people who were called are not available. I will keep you posted on that.

Is there any further business for the committee? If not, I'll entertain a motion of adjournment.

**Mr Wettlaufer:** So moved.

**The Chair:** I'll let Mr Wettlaufer have it this time. Mr Wettlaufer moves adjournment. All in favour? Opposed? The motion is carried.

*The committee adjourned at 1225.*

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Mr Frank Mazzilli (London-Fanshawe PC)  
Mr Wayne Wettlaufer (Kitchener Centre / -Centre PC)  
Mr Bob Wood (London West / -Ouest PC)

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Mr Sean G. Conway (Renfrew-Nipissing-Pembroke L)

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