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**Official Report
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(Hansard)**

Wednesday 11 June 2003

**Journal
des débats
(Hansard)**

Mercredi 11 juin 2003

**Standing committee on
government agencies**

Intended appointments

**Comité permanent des
organismes gouvernementaux**

Nominations prévues

Chair: James J. Bradley
Clerk: Anne Stokes

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Wednesday 11 June 2003

Mercredi 11 juin 2003

The committee met at 1034 in room 151.

The Chair (Mr James J. Bradley): I'm going to call the meeting to order. Mr Martin has permitted us to start, although he has some business to conduct at the very beginning, but we are on a schedule today. We hope we'll complete before noon.

SUBCOMMITTEE REPORT

The Chair: The first item of business is the report of the subcommittee on committee business dated Thursday, June 5, 2003.

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

The Chair: Mr Wood has moved its adoption. Any discussion? If not, I'll call the vote.

All in favour? Opposed? The motion is carried.

COMMITTEE BUSINESS

The Chair: I have a withdrawal to report to the committee. It's a memorandum from Gina Thorn, general manager, Public Appointments Secretariat, and it reads as follows:

"This is to inform you that one item included in the May 16, 2003, memorandum has been withdrawn and, therefore, should not be considered.

"The item is as follows:

"Cabinet: May 14, 2003

"Ministry of Health and Long-Term Care

"Council of the College of Audiologists and Speech-Language Pathologists of Ontario

"Judith Ann Polano."

So that has been withdrawn, for the information of committee.

We now move to the appointments review. I will be moving out of the chair shortly, because I have an interest in the Environmental Review Tribunal, as members would know.

INTENDED APPOINTMENTS
NORMAN CRAWFORD

Review of intended appointment, selected by official opposition party: Norman Crawford, intended appointee as member, Environmental Review Tribunal.

The Chair: Our first selection to appear before the committee is Mr Norman Crawford.

Mr Crawford, you may come forward. As you probably realize -- in fact, I know they inform you of this -- you have an opportunity to make an initial statement. Subsequent to that, we have questions from members of the committee. The questions, in this case, will commence with the official opposition. Welcome, sir.

Mr Norman Crawford: Good morning, Mr Chairman and members of the committee. Thank you for inviting me here and affording me the opportunity of coming before the committee this morning. I welcome the opportunity to appear before you as an intended appointee to the Environmental Review Tribunal. I believe I can make a contribution as a member of that tribunal. I'd like to elaborate on my background as set out in my curriculum vitae, which I understand committee members have a copy of.

By brief introduction: I was born in Sudbury, Ontario, and spent my early years in the northern towns of Coniston, Levack and Copper Cliff. I attended high school in Copper Cliff and Port Colborne. Following my father's transfer with the International Nickel Co, also known as Inco, to Port Colborne, Ontario, I graduated from the University of Waterloo in 1960 with a BA and a major in economics.

While in the employ of Harding Carpets Ltd in western and eastern Canada, I completed the requirements for business administration, sales and marketing, and export marketing diplomas. Prior to attending Osgoode Hall Law School in 1967, I travelled extensively to Europe, Australia, New Zealand and the United States, as well as within Canada, for and on behalf of the Harding company. This experience brought to me many varied environments and impacts in parts of the world that were being experienced at that time.

In 1967, I commenced the study of law at Osgoode Hall Law School, graduated in 1970 and was called to the bar in 1972. I established a full-time and full-service law firm in Cambridge, Ontario, following law school graduation.

In 1975, I was appointed assistant secretary, solicitor and counsel with Lake Ontario Cement Ltd, a company within the Denison group of companies which dealt with mining and resource extraction.

Subsequent to my tenure with the Denison group, I was employed as general counsel with Harlequin Enterprises Ltd, a publishing company and a division of Torstar.

All these employers afforded me the opportunity to travel extensively throughout Canada, the United States and Europe.

In the year 2000, I was honoured to be appointed as a member of the Ontario Municipal Board, a quasi-judicial body. This adjudicative experience taught me how to fairly and impartially arrive at decisions following a careful review and consideration and weighing the evidence presented at Ontario Municipal Board hearings in order to prepare impartial decisions resulting from the evidence presented at those hearings. As the members are probably aware, the Planning Act directs that the Ontario Municipal Board have regard to matters of provincial interest in its deliberations -- protection of the ecological system and natural and rural features -- when proposed developments are before the board.

1040

The protection of the environment and the public as it relates to the environment generally must be considered under the Planning Act. Protection of the public as it relates to water, health and general safety must also be considered. I believe my OMB experience will be a benefit if I am appointed as a member of the Environmental Review Tribunal. In particular, farm practices and agricultural development, as well as rural and urban centre development, must be considered when reviewing, understanding and analyzing evidence to arrive at impartial decisions in order to safeguard and protect the environment currently and for our future generations. Decisions resulting from adjudicating applications are very important, as they have a tremendous impact on our present and future generations. The extent of the various legislations must be seriously and impartially considered in light of the evidence presented at these hearings.

If appointed, I will carefully provide a fair and unbiased hearing process in assessing the merits of projects and proposals that would have an impact on the environment. Decisions must reflect and support the principles which are significant and result in environmental impact. When there are environmental concerns, the impact of these concerns must be considered. Problems of conflicting points of view in all hearings need to be addressed, and hopefully consensus, if possible, can be arrived at.

If appointed, I will have regard to protection of the ecological systems and arrive at a fair and impartial decision while considering the intent of the various acts, because, as I stated, decisions resulting can, and will, have a tremendous impact on present and future generations.

The Vice-Chair (Mr Michael Gravelle): Thank you very much, Mr Crawford. We will begin questioning, as was noted by the Chair, with the official opposition.

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): Good morning, Mr Crawford. Could I ask how it is that you have come to be an intended appointee here this morning? You come from a role with your most recently appointed position -- just remind me; I know I have it here.

Mr James J. Bradley (St Catharines): OMB.

Mrs Dombrowsky: The Ontario Municipal Board, you indicated in your remarks. And now you're being appointed as vice-chair of the Environmental Review Tribunal. When I review your formal qualifications and education, it's very much with an arts and business background, so I'm curious about how it is that you are now looking for this very significant role with the Environmental Review Tribunal. I would judge that it might be a field that would be relatively new to you.

Mr Crawford: In part, it will be. As I indicated earlier, I was born and raised in the Sudbury area. I know the effect that the environment has had imposed upon it by virtue of operations in the north, with due respect to the north -- sulphur etc. In my travels, I've seen the effect of the improper use of environmental ends. At OMB hearings, I've dealt with situations, particularly in the agricultural end where animal units were concerned, and I was concerned as a hearing member, based on the evidence as to leaching, the effects of increased animal units on so-called factory farms and the effect it would have not only on the local municipality, but also on the water resources in the community. So it became an interest of mine.

Mrs Dombrowsky: Could I ask, given that you don't have a great deal of background in environmental issues, what sources would you consider to assist you in making some of your decisions?

Mr Crawford: Certainly all the legislative acts are paramount and the government public policy statement is a major concern. But my decisions would arrive and emanate from the facts and circumstances in the evidence, expert and otherwise, that is presented to the board.

Mrs Dombrowsky: What about the role of the Environmental Commissioner?

Mr Crawford: Pardon me?

Mrs Dombrowsky: The Environmental Commissioner. Would that be one source of information that you would consider?

Mr Crawford: I think I would be considering all areas, and when in doubt about any, I would certainly do my own research and investigation to have it done.

Mrs Dombrowsky: Have you had any political involvement throughout your career?

Mr Crawford: Yes, I have.

Mrs Dombrowsky: In what way? Could you explain that, please?

Mr Crawford: Well, I've been a Progressive Conservative supporter for years.

Mrs Dombrowsky: A member of an association?

Mr Crawford: Prior to my appointment to the Ontario Municipal Board.

Mrs Dombrowsky: I'm sorry. Can you repeat that, please?

Mr Crawford: Prior to my appointment to the Ontario Municipal Board, I was active politically.

Mrs Dombrowsky: Were you a member of the executive of an association? Have you ever been a candidate?

Have you ever supported a candidate, worked on campaigns?

Mr Crawford: I did prior to my appointment to the Ontario Municipal Board.

Mrs Dombrowsky: In what riding?

Mr Crawford: Pardon me?

Mrs Dombrowsky: In what riding?

Mr Crawford: I'm sorry?

Mrs Dombrowsky: In what riding?

Mr Crawford: Kitchener-Waterloo.

Mrs Dombrowsky: In Kitchener-Waterloo. Were you in --

Mr Crawford: Both federally and provincially.

Mrs Dombrowsky: Both federally and provincially. How recent would that have been?

Mr Crawford: Prior to 1995.

Mrs Dombrowsky: You have had the opportunity to review the same background that we have. Are you familiar with the OMYA water permit issue, Mr Crawford?

Mr Crawford: Yes. I'm not intimately familiar, but I have appraised myself.

Mrs Dombrowsky: It's an issue of great importance in my riding, as the headwaters for the Tay River, for which the permit has been granted, are in my riding. Folks in my community were particularly upset when a decision by the Environmental Review Tribunal was overturned by the minister. Do you have an opinion about how appropriate it is when there have been considerable tax dollars spent, many days of public hearings, consideration of all parties concerned, a decision is made and then it is overturned by the minister?

Mr Crawford: I think that's a ministerial prerogative under the legislation. I really couldn't comment on that. I think that on the hearing itself, whatever those findings were, it was probably based on the evidence that was presented at the time. Any further comment I really couldn't make at this time.

Mrs Dombrowsky: There are those in the public who question the relevancy of the tribunal when a great deal of time and effort and money can be spent considering their issues only to have the minister overturn the decision. Do you have a comment on that?

Mr Crawford: No, I don't.

Mrs Dombrowsky: Mr Bradley?

Mr Bradley: I note that the resource extraction business is now getting well represented on government agencies, boards and commissions, particularly those related to environmental decisions. Did you say that you were involved with a resource company at one time, a cement and resource extraction company?

Mr Crawford: Yes, the pits and quarries applications when I was counsel with Lake Ontario Cement. There was a large kiln, and of course we had sub-companies, concrete companies that used the cement to prepare concrete for various road installations or what have you, piping, whatever the nature of it.

Mr Bradley: I notice that your educational background and your experience, at least your experience, all seems to be on the economic side rather than on the environmental side. In your career, have you acted on behalf of environmental groups?

Mr Crawford: No, I have not.

Mr Bradley: Have you acted on behalf of companies on environmental issues?

Mr Crawford: No, I haven't.

Mr Bradley: So you've not been involved in environmental issues as a lawyer?

Mr Crawford: No, I haven't.

Mr Bradley: What would you say was the most controversial decision you were involved in when you were on the Ontario Municipal Board? That's a little subjective, I understand.

Mr Crawford: There were a number of decisions. One that strikes me, when asked, was up in the Kitchener-Waterloo-Elmira area. In that particular instance, it was an application to expand a large pig farm to a significant number of units from what was pre-existing. The land was available on which to do it, but the concern I had at that particular hearing was the resultant effect and disposal of the manures. Of course, my own finding on the evidence at that time and on the expert evidence that was there, was that if there was a leaching into the ground, it could affect the water or well system, and the application was denied on that basis.

So that would express my concern, and that was always paramount in my mind, and has been, on hearings as to the environmental effect of these developments and applications or requests, whether it's chicken farms, pig farms or whatever the case may be.

1050

Mr Bradley: How would you then view the fact that there are some members of the current government, including the parliamentary assistant to the Minister of the Environment, who believe that some members of the farm community should be exempt from the Nutrient Management Act? This leads right into it. You obviously have had experience, not with the act itself, but with issues surrounding it.

Mr Crawford: Not with the act itself, sir.

Mr Bradley: No. What would be your view of exempting some people from the provisions of the Nutrient Management Act?

Mr Crawford: I think that that's a legislative matter, and of course I don't think that would be within the purview or ability of a sitting member to determine or decide. I would certainly have concerns about it, and I'm sure that everyone in this room does. All responsible members of Parliament do. But it's a legislative matter which, of course, members would have to invoke or prepare and implement.

Mr Bradley: Environmental groups and lawyers have argued for years that the Environmental Assessment Act should apply to all major projects, not just those that have an environmental implication, not just those that are within the public sector or the public purview. Do you

believe that all environmentally significant projects should come under this act?

Mr Crawford: Again, I would submit to you that that's a legislative matter. I think the environment is a major concern of everyone, every citizen of the province and, of course, of responsible politicians, which you all are. But there again, I think that's a matter that has to be processed and promulgated through the legislation.

Mr Bradley: In your previous practice, when you acted on behalf on Denison Mines, for instance, was that in matters related in any way at all to planning or development?

Mr Crawford: No, it wasn't. We did have a very grave concern at that time in Perth, where there was a large kiln, and of course, there was the burning aspect, because it takes intense heat, as you know, to manufacture cement. We were working with and testing the burning of garbage and various other combustible disposals. We found that when that was happening, there was an effluent that was emanating that couldn't at that time be contained by dust collectors, as they are referred to. So that operation ceased, in that they are responsible - environmental concerns.

Mr Bradley: There is a concern --

The Vice-Chair: Last question.

Mr Bradley: Last question?

The Vice-Chair: Yes, I'm afraid so.

Mr Bradley: I'll try to make it a reasonable one, then, or at least a good one.

In the environmental community, there is a concern that -- I won't call it the "bias" -- the tilt on the Environmental Review Tribunal is moving distinctly against environmental considerations. In other words, the people leaving the board have credentials which people would call environmental; the people moving on to the board do not have those same credentials. How would you categorize yourself in that regard?

Mr Crawford: I would categorize myself as being very open-minded, and any decisions that I would arrive at would be based on the evidence, expert evidence or other evidence, bearing in mind, as I indicated, the environmental concerns that the board has, and that I'm sure we all have. But I can only make findings of fact.

The Vice-Chair: Thank you very much. It's a rare treat to cut you off, Mr Bradley. It's usually the reverse.

Mr Bradley: The witness should know that I'm usually in the chair, cutting the vice-chair off. So he takes great pleasure in cutting my questions off.

The Vice-Chair: It's not true at all. They're excellent questions.

Mr Martin?

Mr Tony Martin (Sault Ste Marie): I note by your resumé that you're moving from being a member on the Ontario Municipal Board to this particular appointment. You served for three years on the Ontario Municipal Board?

Mr Crawford: That's correct. It will be three years at the end of July.

Mr Martin: Why are you leaving that appointment?

Mr Crawford: Well, the Environmental Review Board is a concern of mine. Having spent my term is a factor, and I presume there is an age factor -- for re-appointment.

Mr Martin: An age factor? You're too old to serve on the municipal board?

Mr Crawford: No, there's automatic retirement at age 65. I'm older than 65.

Mr Martin: But you can serve full-time on the Environmental Review Board? There's no age factor there?

Mr Crawford: No, I'm not aware of that.

Mr Martin: Were you a full-time member of the municipal board?

Mr Crawford: Yes, I was.

Mr Martin: So you got a salary for that?

Mr Crawford: Pardon me?

Mr Martin: You had a salary for that?

Mr Crawford: Yes.

Mr Martin: Going on now to the Environmental Assessment Board, you're going to be a full time vice-chair, so you'll have a civil service salary there as well?

Mr Crawford: I would assume so, yes.

Mr Martin: Is this a career track for you?

Mr Crawford: Yes, it is.

Mr Martin: Your understanding of the environment - can you explain to me what people mean when they say "ecosystem"?

Mr Crawford: I think when we talk "ecosystem" it's a full integration of water resource and nutrients that can or will or do get into the system totally, particularly with the water level, which is a very major concern in light of the Walkerton inquiry; the farm aspect; the balance that is required to keep the environment safe for the use and utilization, not only of the public but industry and all the various economic interests that have to be considered.

Mr Martin: And your understanding of how the Environmental Bill of Rights works?

Mr Crawford: I haven't been exposed as yet in detail to the bill of rights, but it's a concern and has to be considered, as I understand it, on applications.

Mr Martin: Under the Environmental Bill of Rights there's a statement of environmental values. Is that something that you feel should be considered in terms of decisions that you might make as a potential appointee to this tribunal?

Mr Crawford: Yes. I would definitely have reference to the bill of rights, absolutely no question about that.

Mr Martin: Under the Environmental Assessment Act it's not always necessary for private sector development to have to undergo a review; it's at the discretion of the minister. What's your feeling about that?

Mr Crawford: Again, I think that's a matter that the Legislature should deal with.

Mr Martin: OK, but we're trying to get a handle on whether we're comfortable with your appointment here, so what would your view be on that?

Mr Crawford: I would think my own personal view is that it should be a consideration.

Mr Martin: Those are all of my questions.

The Chair: We move to the government.

Mr Wood: There's an aspect of your background that has given considerable concern to members of the committee on both sides of the House. It's this: you were a member of the 1972 bar admission course. It's a well-known fact that both the Premier of the province and the member for London West were members of that class. Can you assure the committee that you had nothing to do with either Mr Eves or myself when you were at the bar admission course?

Laughter.

Mr Wood: Sir, you don't have to answer that.

On a more serious note, it's nice to see that there are still a few members of the class of 1972 around. We do appreciate your coming forward to offer to serve the public.

Mr Crawford: Thank you very much. I appreciate that.

Mr Bert Johnson (Perth-Middlesex): I had a couple of questions, and it's just because of the geographical area that you come from. I live in a little place called Listowel, and I guess my question is, within the municipal board background, whether you ever ran into Bill White, who practises law in Waterloo and did until a short while ago with the late Al Ostner. My reason for wondering is that that firm was quite involved with municipal law and worked at that time on behalf of the town of Listowel when I was mayor. In particular, Bill White's father was a former clerk of the town of Listowel.

Mr Crawford: I wasn't aware of that, Mr Johnson. I know of him; I don't know him. Just as an aside, you're aware of course that Mr Ostner is recently demised as a result of a tragic fall.

Mr Johnson: Yes. That was a great loss, not only to the law firm but to those municipalities who depended on his expertise too.

I just wanted to congratulate you for letting your name stand for this position. All of us consider the municipal board important, and I don't mean that we don't, but I'm quite comforted to know that people of your calibre, experience and background are willing to serve this province in such an important capacity. I'd like to thank you.

Mr Crawford: Thank you, Mr Johnson.

1100

Mr Wayne Wettlaufer (Kitchener Centre): Good morning, Norm. How are you this morning?

Mr Crawford: Fine, thank you.

Mr Wettlaufer: Just for the record, Chair, Norm and I know each other fairly well and have for many years.

The Chair: I know that often happens, for some reason.

Mr Wettlaufer: Norm lives and practises law sometimes in my riding. Norm has an absolutely fantastic reputation; it is golden.

I want to say, Norm, that I really do appreciate your having put your name forward for this position. It's a

credit to you, and it's a credit to the Environmental Assessment Review Board.

Mr Crawford: I very much appreciate your very kind remarks.

The Chair: That's it, then, for the government caucus.

That completes it, Mr Crawford. Thank you very much for being with us. You may step down, sir.

SURESH THAKRAR

Review of intended appointment, selected by official opposition party: Suresh Thakrar, intended appointee as member, Ontario Securities Commission.

The Chair: Welcome to the committee. I know you're aware that you have an opportunity to make an initial statement if you see fit. We always subtract that time from the government side. I just want to warn you of that, even though I sometimes let the government stray over, just because they're good people.

Mr Suresh Thakrar: Good morning, Mr Chairman and members of the standing committee. Thank you for this opportunity to appear before you for my intended appointment as a member of the Ontario Securities Commission. This is a first for me, appearing before a government committee, except for the Competition Bureau, where I used to go a lot of times from the Royal Bank.

It is indeed a great honour for me to be here today, first to be in front of such an esteemed group of legislators and, second, to be nominated to serve the people of Ontario through such an important agency as the Ontario Securities Commission. This honour takes a significant relevance for my family and me personally, in that I came to Canada as a refugee from Africa. As we all say, this can only happen in Canada. I'm truly proud of that.

I believe you may have seen a brief summary of my professional and volunteer service profile. As you can see from my profile, I have had a diverse career and experience. My professional daytime career in Canada has primarily been with the Royal Bank, and my spare time and weekend career has been involved with numerous humanitarian, community and volunteer activities.

I arrived in Canada in November 1972 as a refugee from Uganda and joined the Royal Bank almost immediately. Over the last 30 years with the Royal Bank, I have held a number of senior management, executive, line and staff positions across various parts of the bank. To name a few: international systems, commercial banking, multinational banking, cost management, product management, personal financial services, business banking, corporate finance, process re-engineering, strategic planning and merger office in locations in Toronto, Montreal and Burlington, with a number of short duration international project assignments.

In my diverse career at the RBC, I have attained broad experience and proficiency in a number of areas including commercial corporate lending, account management, sales and marketing, product management, business and portfolio management, project management,

process-organizational re-engineering, corporate finance, strategic planning, and mergers and acquisitions.

My last position at RBC was as vice-president, personal and commercial banking.

I'm currently on a sabbatical leave from Royal and engaged in a number of philanthropic activities within Canada and abroad. My sabbatical comes to an end shortly, and I will not be returning to the Royal Bank.

My part-time career, the other half, has largely focused on serving the community. Over the past 35 years, I've played an active leadership role as a board member, director, trustee, founding member, mentor, coordinator and fundraiser for a number of community, business, arts and philanthropic projects and associations.

Some of the recent appointments include the Indo-Canada Chamber of Commerce, where I was an advisory board member; the standing committee on multiculturalism; Canada-India Business Council; Gujarati Samaj of Montreal; Federation of Gujarati Associations; and Lohana Cultural Association of Canada.

I have also led and championed a number of fundraising and project activities such as the Gujarat (India) Earthquake Relief Fund; creation of the South Asian Gallery and curatorship at the Royal Ontario Museum; the India, The Living Arts exhibit at the Canadian Museum of Civilization in Ottawa; and many other community and youth events.

I'm currently serving a number of organizations: as a director of the Canada India Business Council; on the leadership gifts committee at the Trillium Health Centre in their capital fundraising campaign that's about to be launched; the Renaissance ROM Campaign cabinet for the construction of the ROM; the Gujarat (India) Earthquake Relief Fund; and the Royal Patrons' Circle at the ROM.

In fact, during the past year of my sabbatical I've devoted a significant amount of time as the coordinator for the Gujarat (India) Earthquake Relief Fund, which is a Canadian community-based initiative created to respond to the tremendous humanitarian assistance for relief, rehabilitation and reconstruction for the thousands of people affected. Over the past six months, we have constructed 500 houses in seven villages, 25 primary schools, four community infrastructures, one primary health care centre, micro-irrigation systems for 500 homes, mobile dispensaries etc, and developed programs to improve the livelihoods of over 1,500 women and small farmers.

With respect to my educational background, I have an honours bachelor of science degree, majoring in applied statistics and economics, obtained from Makerere University in Kampala, Uganda, and a post-graduate master of business administration degree, specializing in finance and international business, from McGill. I'm also a fellow of the Institute of Canadian Bankers and have attended a number of leadership and professional courses and seminars over the years for the bank.

Mr Chair and members of the standing committee, I appreciate the opportunity to make this statement. I believe my diverse experience, my educational back-

ground, my personal leadership skills and my proven record and reputation in the public, private and voluntary sectors will enable me to contribute satisfactorily in performing the duties required to fulfill the mandate as a member of the commission at this critical time.

Let me take this opportunity, with your permission, to extend my appreciation to David Brown, the chairman of the Ontario Securities Commission, and the nominating committee at the commission for their confidence in me, my abilities and my qualifications with their nomination for my appointment.

Mr Chair, for me there is an additional imperative to do my best in this particular public service appointment in that I'm told I'll be the first appointee to the commission from the visible minority community, an honour. If that is true, this pioneering appointment, with your collective concurrence, will require an even greater effort on my part.

I am indeed honoured by this opportunity to serve my community, my province and my country, and for that I look forward to your support.

The Chair: Thank you. We'll begin the questioning with the third party.

Mr Martin: This is indeed an important appointment that we consider here this morning, particularly when you look at some of what has happened over the last couple of years in terms of the market and securities and the impact that has on the lives of people who invest so that they might have something to retire on -- pensions, those kinds of things. In my view, as government, we have a responsibility to make sure that we protect those as much as we can.

Mr Thakrar: Absolutely.

Mr Martin: As I go back home to Sault Ste Marie, although it's a long way from Bay Street, I have people there who have their life savings wrapped up in all kinds of plans, and they want to know what I'm doing to make sure that they're protected. So I'm here today to ask you what it is that you bring to this appointment that should make me feel comfortable in telling my people back home that this is a good appointment.

Mr Thakrar: You're absolutely right. I have a tremendous background in the financial service industry, spanning a number of areas, tremendous strength in strategic planning, in finance. I believe I will be able to contribute these skills. Although I'm not a lawyer -- a number of commissioners happen to be lawyers -- I think I'll bring a different perspective from a consumer point of view, from a business point of view and business acumen that I have from the last 30 years of experience.

Mr Martin: What's the biggest issue for you going into this?

Mr Thakrar: Right now, in the post-Enron and post-WorldCom era, I think to contribute as a member, as you alluded to earlier, to enhance the confidence of investors and also to participate in the rapid changes that the commission is facing, to address a number of studies and task forces that have come out with their recommendations over the past year.

1110

Mr Martin: Given where you come from, your experience and work, how might I be convinced that you won't bring a bias toward Bay Street as opposed to being concerned about the interests of so many other people who don't operate on Bay Street?

Mr Thakrar: I think when you take a position such as this one, you are always unbiased to any agenda or any beliefs of a certain industry or group. So I think I'll be more open. I have a tremendous reputation of public integrity that I rely on, to maintain that going forward as well.

Mr Martin: Given that you come from the banking sector, what role did the banks play in some of the debacle that we've seen over the last two, three or four years in the securities area?

Mr Thakrar: Fortunately for the Canadian banks, and in particular the Royal, I think we were a little bit out of those things. You know, there have been a lot of changes, a lot of innovation, technology, liquidity, competitiveness, global things etc, so there have been errors made in judgment. In hindsight, there were errors made, but I don't think it's as crucial as what's happened south of the border.

Mr Martin: I have a particular interest in another form of investment in the province -- because I've seen some of my constituents hurt -- and that is, people who invest in franchises. They are a lot like people who take their money and invest it in the market or put it into a fund of some sort, to protect that and grow it so there will be something there for them in their retirement. I have noted over and over again in the province significant numbers -- hundreds of people, families -- being damaged big time by entering into agreements with franchise systems that turn out not to be what they presented in the first place, and they lose their life savings, some of it by design, some of it because that's just the way things work. Systems get churned over.

I've brought forth legislation in this House probably four times now, asking for that whole sector of business to be regulated. There was a suggestion that the Ontario Securities Commission might be a place to put some responsibility for that regulation; some arm of government that would accept, for example, disclosure statements and make sure they were correct -- just as when somebody puts forward an IPO, you want to make sure that what's in there is correct and factual information -- and also a vehicle to facilitate disputes. What's your thinking about that? Have you had any experience in that field, in that area? Would the Ontario Securities Commission be an appropriate or proper place to put that kind of public oversight?

Mr Thakrar: To be honest with you, I have not even thought about this area. From my limited knowledge of the mandate of the commission, I don't think they have that mandate at this stage.

Mr Martin: No, they don't.

Mr Thakrar: When I'm there, I might bring it up as a discussion with the board, but I have no opinion at this stage.

Mr Martin: You've had no involvement with people or small business people who might have gotten themselves involved in franchising?

Mr Thakrar: Only as an account manager, a long time ago at the bank.

Mr Martin: As we went through the public discussion about the need for legislation and regulation in franchising, it became obvious that central to most relationships was a loan from a bank. In some instances it was suggested that banks were actually making it too easy for people to access these loans, knowing that at the end of the day they were secured, and so may actually have been culpable in some of the bankruptcies and very devastating circumstances that some of these small business people found themselves in. But you have no knowledge or relationship with that?

Mr Thakrar: No.

The Chair: We now move to the government caucus.

Mr Wood: We'll waive our time.

The Chair: We move to the official opposition.

Mr Michael Gravelle (Thunder Bay-Superior North): Good morning, Mr Thakrar. Thank you very much for joining us. You certainly have a very impressive resumé from a professional point of view, but your humanitarian and philanthropic work is also most impressive.

I am curious, though, as to how this appointment came about. Were you approached for this or did you approach someone? Could you let us know just how the appointment was brought forward?

Mr Thakrar: I got a call from Dave Brown while I was away in India during my sabbatical.

Mr Gravelle: The chair of the OSC?

Mr Thakrar: The chair of the Ontario Securities Commission. At the same time, I was being nominated for three or four different boards, given that I was on sabbatical and I had some more spare time, so I think people wanted me to join. There was a hospital, and a museum nominating committee had talked to me as well. So, it came from Mr Brown.

Mr Gravelle: There was no political connection, then, in the sense of a member putting forward your name. May I ask if you are a member of a political party?

Mr Thakrar: I am not, but I participate very actively in the political process, just being a leader in the community. I'm a fairly respected leader in the Canadian and South Asian communities, so all parties' functions etc.

Mr Gravelle: Let me ask, if I may, some questions specifically about the position you'll be going into. One of the issues that has been brought forward for some time now, certainly by some -- I think Mr Brown is one of the advocates -- is the need for a national securities commission. I take it that you would have given this some thought yourself. Can we ask for your thoughts on whether this is a good idea and, if so, whether we should move forward on it more quickly?

Mr Thakrar: I think it's a good idea. We live in a very rapidly changing world, almost borderless, with respect to capital inflows and outflows. We have 13 jurisdictions in Canada, and with the expenses, the time it takes for changes to filter through and to get the confidence, I think some form of national regulator is a must for Canada. We have talked about it for almost 40 years, from my reading over the past week.

Mr Gravelle: Are you familiar with some of the resistance to it? I know that some of the provincial governments have been somewhat resistant to a totally independent national securities regulator, and I believe the Toronto Stock Exchange has been resistant as well. Are you familiar with that, and do you understand their resistance, or do you think this is something they should be trying to overcome?

Mr Thakrar: Yes, I think as a Canadian you see such resistance in a lot of other things where we are trying to harmonize. But I sense that there is a will, based on the last couple of years and what's happened in the environment, to somehow come to concurrence as to how we can best formulate this thing, and I'm sure we'll find a way.

Mr Gravelle: Certainly it has become clear that we need to have a reform of securities regulation in the province, if not at a national level. We all know and talk frequently, especially when we have appointees for the Ontario Securities Commission, about the Enron debacle, Worldcom and a few other things, and obviously those concerns are felt in Canada as well. There also seems to be a bit of a debate about the kind of regulation that should be brought forward in the province. Are you familiar with that?

It seems to be those who seem to think it should be a principle-based concept as opposed to hard regulations. I think Mr Brown has taken a position on that as well. I'm getting the impression that you know him quite well, but I'm curious as to your thoughts on what approach should be taken. I think the province has also taken a very strong position related to Bill 198, but if you can give me your thoughts.

Mr Thakrar: Again, given the level of frustration, the profiles of these debacles, and yesterday too, I think regulation-based is probably the way to go. The principle base is what we've had for the last so many years, but there is an element of regulatory need -- maybe some elements of principle base, but largely I favour the regulatory.

Mr Gravelle: What do you think is the reason for those who are more keen to have principles-based regulation? I don't want to be accusing anybody of anything, but it seems to me, as you say, that this has been the basis on which it has been done in the past and there have been some concerns about it in the past as a result. Is there a legitimacy to those who continue to think more of the principles base, which obviously gives more flexibility? Do you understand their position? I appreciate your response, but it was still somewhat tempered, I thought.

Do you appreciate those who are more prone to pushing the principles-based concept of regulation?

Mr Thakrar: Pardon me if I err on this side. The principles base -- I think there are a number of factors. One is the cost element. If you go on a regulatory basis, there are very defined corporate governance things that an entity will have to establish. Coming from a bank, the Bank Act had certain kinds of these regulatory things. Of course, there's a cost to that.

I think the second is: "Trust us. We are organizations and entities, and we can manage on a principles base." I think those are a couple of factors that are influencing their way of thinking.

1120

Mr Gravelle: I guess, in an interesting kind of way, we're not in the same trusting environment we were in before, and it probably isn't wrong to be a little more demanding.

Mr Thakrar: Yes.

Mr Gravelle: You did note that you are on sabbatical now. Is there a time frame in that sabbatical?

Mr Thakrar: It ends a couple of months from now -- in a month, actually.

Mr Gravelle: So you go back to RBC?

Mr Thakrar: No, I don't.

Mr Gravelle: You're not going to?

Mr Thakrar: I've taken the option of early retirement.

Mr Gravelle: You're very young.

Mr Thakrar: I am. I plan to do other things, hopefully.

The Chair: It helps when you retire when you're 32.

Mr Gravelle: Very nice, Mr Chair.

Mr Thakrar: I'm looking at some entrepreneurial opportunities and carrying on doing my philanthropic work. That's my passion.

Mr Gravelle: I want to ask you a question that may be a little off-topic; it's related to the provincial government's immigration policy. I'm not sure how familiar you are with it, but they have made moves toward saying they should be taking over the immigration policy from the federal government. One thing that sort of startled those of us who saw some of the recommendations in their platform was that they actually put this in the crime section of the document. I don't know if you're familiar with that, but if you are, I would want your comment on that. It struck many of us as being a peculiar, if not somewhat rude, place to put it, in terms of some of their adjustments to the immigration policies -- to put it in that section.

I guess I am putting you on the spot, but I'm curious. Obviously you're a gentleman who is very well informed.

Mr Thakrar: To be honest with you about this, because of my absence over the last five or six months, on and off, I still have a lot of catching up to do with various things in my pile of newspapers at home, so I don't know if I can really make a fair comment. But the perception of crime and immigration doesn't sound right to me per-

sonally. I'm sure the government will look at that. I can't really comment much beyond that.

Mr Gravelle: We tend to feel there's some value, in terms of the economic potential and professional skills that are out there, and we want to encourage more of our immigrant population to be able to use the skills they come to Canada with.

Thank you very much.

The Chair: That completes the questioning, sir. Thank you for being with us today. You're allowed to step down. The vote takes place later.

Mr Thakrur: OK. Thank you very much.

ZULFIKAR KASSAMALI

Review of intended appointment, selected by official opposition party: Zulfikar Kassamali, intended appointee as member, Council of the Registered Insurance Brokers of Ontario -- Complaints Committee and Discipline Committee.

The Chair: Our next intended appointee is Zulfikar R. Kassamali. Sir, you may come forward. As you know, you have an opportunity to make an initial statement, if you see fit. Then members of the committee will direct their usual wonderful questions to you.

Mr Zulfikar Kassamali: Thank you.

Remarks in Arabic.

In the name of Allah, the most beneficent and the most merciful.

Thank you for allowing me the opportunity to speak with you and your committee this morning, Mr Chairman. I am honoured to have been nominated for appointment as a member of the Council of the Registered Insurance Brokers of Ontario -- Complaints Committee and Discipline Committee.

Since my arrival in Canada from Uganda 31 years ago, after being expelled by Idi Amin for not being black, I have wanted to make positive contributions to making society the best it can be. In Uganda, I was the vice-president of Pepsi-Cola and the youngest executive in the company. On coming to Canada, I could not get a job in a similar position because I was overqualified. I had to compromise and take jobs loading and offloading trucks in a warehouse and also working in factories. At the same time, I got involved working as a volunteer helping to settle Ugandan refugees. I have spent 31 years working with various groups, institutions and communities. In the process, I have had the honour and privilege of working with and associating with fine leaders like Bill Davis, Mike Harris, Janet Ecker, Helen Johns, Elaine Ziemba, Bob Rae, Dave Johnson, Jean Chrétien, Gerry Phillips, Carl DeFaria, Roy McMurtry, Paul Martin, Barbara Hall, Dave Boothby, and the list goes on.

Very humbly, with the grace of God, I contribute approximately 52 hours per week volunteering. I will briefly mention what I have done and the results I have achieved. I first identify what are the pressing problems that need to be addressed in our society and then create strategies and practical solutions for them.

Having worked with the Toronto police for the last 16 years as a volunteer, from being a member of the South Asian Consultative Committee to the position of co-chair and then the chair, and being the member of the chief's advisory council, following are the challenges and achievements.

Domestic violence and spousal abuse: the creation of innovative and effective projects to assist victims and bring awareness to the perpetrators; private emergency help telephone numbers were inserted in empty lipstick cases to hide from abusive spouses. These lipstick cases were distributed to women in churches, temples, mosques and other places at the grassroots level.

The creation of a video involving seven- and eight-year-old kids from different communities and cultures asking them to role-play certain messages that reflected adverse psychological effects of domestic violence and spousal abuse like, "It is all my fault," "I wish my parents didn't fight," "Why do my parents have to scream?" and so on.

This program also involved interviewing the chief of police and social workers from different agencies which made great contributions toward helping the victims of violence and abuse.

I assisted in staging an art exhibition with the help of youth artists from different communities between the ages of 14 and 21 to depict spousal abuse in the form of art. This was staged at the citizenship court at the Toronto police headquarters. In the first year, I had only 14 exhibits. In the second year, there were 38 art pieces. This exhibition was entitled Enough is Enough. The idea was to create an awareness for the newcomers to Canada of what the law of the land was.

I represented 45 ethnic communities as the president of the Multicultural Alliance for Seniors and Aging. I was appointed to sit at the round table for elder abuse strategy. Besides representation from the aboriginal people, I was the only person from a visible minority representing ethnocultural issues and needs, which I successfully executed. Last year, our government came up with the final strategy to deal with the issue.

Twenty years ago I created, with three volunteers, a home and hospital visitation program, going to private homes, nursing homes and hospitals to help with the social needs of the most vulnerable. This year we celebrated the 20th anniversary of this program, with 175 volunteers contributing approximately 80,000 man-hours per year. Having worked with the management and staff of hospitals and nursing homes, I created pictorial cards in English, with blanks to be translated into other languages to ease the language barriers.

1130

Also, I successfully created a Meals on Wheels program for the South Asian communities. I organized cultural sensitivity workshops for the management and staff of nursing homes and long-term-care facilities. I have served for three successful years on the prestigious and privileged Aga Khan Council, appointed by His Highness the Aga Khan to hold the portfolio of com-

munity services. In this portfolio I looked after the social and welfare needs of the community from cradle to grave. I introduced our world-renowned Train the Trainers program for volunteers with the help of the Aga Khan conciliation and arbitration board and taught the techniques of mediation.

Having served as vice-chair for the Aga Khan health board, I created many proactive programs for men's health, women's health and nutrition, such as NutriSense, for food values and calories comparison and better cooking techniques. This was the first time a men's health committee was created where women were invited to learn issues of men. Simultaneously, men were invited to women's workshops.

Serving as the vice-president of the Association of Progressive Muslims of Ontario, I created a platform for all the different faith leaders and inviting all the leaders of the political parties under one roof at Queen's Park and Parliament Hill. The Association of Progressive Muslims' mandate is to create linkages between Muslims from countries around the world and build bridges of understanding and friendship among all Canadians from different faiths and backgrounds. Many renowned speakers were given the platform to interact with people at the grassroots level, like Dalton McGuinty, Premier Harris, Janet Ecker, Ernie Eves, Howard Hampton and many more.

I championed to have for the first time in Canada the month of June proclaimed as Elder Abuse Month by Mayor Lastman, and I am working to have it proclaimed by the United Nations.

One lady died in an apartment building on Dawes Road a few years ago, which provoked me to create a unique chit-chat line program for seniors where, instead of volunteers having to go out or having access to a central office, the hotline number was call-forwarded to volunteers' homes on a scheduled basis. This certainly helped eliminate the transportation and office facility expenses. This program eventually became a safety check for the Red Cross society.

These are some of the highlights of my involvement and achievements. Over the years I have gained new skills, and I continue to build upon new skills and apply them as my passion for public service and my commitment to making a positive contribution and improving our communities, our city, our province and this country.

This is why I believe the Council of the Registered Insurance Brokers of Ontario -- Complaints Committee and Discipline Committee is an area where I can continue to positively contribute to my country.

I humbly request, and will be honoured and privileged, to have this opportunity, which will allow me to realize my goals and aspirations.

The Chair: Thank you very much, sir. The Conservative Party has no questions?

Mr Wood: We'll waive our time.

The Chair: We'll move to the official opposition.

Mr Gravelle: Good morning, Mr Kassamali. What a remarkable resumé and a truly remarkable life. It cer-

tainly seems appropriate to begin by thanking you for all that you've contributed in your years here in Canada. I appreciate it very much. But it does beg the question in terms of the insurance brokers of Ontario complaints and discipline committees: with all that you're doing, it almost seems odd to me that you would want to be on this. I'm curious as to how the process came about by which you're now about to be appointed to it. How did this process go forward?

Mr Kassamali: I don't see anything different -- why one committee and why not the other committee? -- as far as I am concerned, if I can make a difference. Having gone through different committees and different issues and problems, when I read about this particular committee and this particular entity, I asked myself a question. Even I didn't know that this kind of entity ever existed. Can you imagine, at the grassroots level, are people really aware of this? Maybe people like me will make a difference. That is why I chose this one.

Mr Gravelle: Well, I'm sure they would. The point that I was trying to make was that your involvement in your community in terms of social issues is remarkable, and there are other committees that I would think you might be interested in as well, which would very much fit in. Obviously, you're on the elder abuse committee, and that work is remarkable. I guess that's more the point that I was trying to make. Certainly I'm not being critical of you being on this. It's just that, with all the highlights of your life that you've brought forward, and I'm sure they were just the highlights, it struck me, "Gee, there other things that perhaps Mr Kassamali might want, more appropriately, to be put on." Did you ask for this appointment or was this particular position offered to you?

Mr Kassamali: It's not that I was offered it; it is because it was available. There was a vacancy that I saw. I asked my MPP to see if there was any possibility for me to pursue this, and I was lucky enough to be nominated. I tried. But it's a very good point you are raising. Maybe if there any other higher position, like a deputy minister or something, I wouldn't mind.

Mr Gravelle: You'll take this one, though.

Let me ask one more question. I was going over the resumé that's provided for us and there are so many areas that of remarkable interest. We don't have a lot of time, but one thing that stuck me was that you were the chair of the ethno-racial health advisory committee of the six Toronto community care access centres. One of the concerns that has been expressed, particularly in the last year or so, was about the lack of needed funding for the community care access centres.

I come from the north, from Thunder Bay. Our community care access centre, which was providing services for this huge area, was in a position where they were not receiving the funding that they needed and they were turning down many, many people. I could tell you many stories of people who I think were very unfairly not able to access the services because of that.

In your experience, when you were the chair of that committee, which I think was for three years too, did you

experience some of those problems in terms of access to the services being limited as a result of the funding?

Mr Kassamali: One hundred per cent. As a chair or a co-chair of any small committee, you try to make an impact on the bureaucrats. From day one, when the CCACs were created, I had written an open letter, and in that letter I had very clearly said that in Toronto you don't need six CCACs; you need only one. So obviously, being a small person with a small committee, I don't think my views were taken, so we ended up with no funding. Obviously, there won't be any funding. I'm still saying it today: if you really want to make a difference, cut down on the CCACs. You don't need too many staff in different offices. That's my view.

Mr Gravelle: But you do agree that more funding is needed just to provide the services to the people in their homes, obviously. Certainly that continues to be an issue for me in my riding. I keep hearing stories that people cannot receive the services that they need.

1140

Mr Kassamali: You see, the question is that never, ever will there be enough money for any program. If we start creating proactive programs at the grassroots level and don't let the general public depend on an ongoing basis on the government, then hopefully we might solve this problem. But proactive programs at the grassroots level are important.

Mr Gravelle: Thank you very much, Mr Kassamali.

Mrs Dombrowsky: Good morning, Mr Kassamali. You indicated that you approached your MPP with regard to this role. Who would that be?

Mr Kassamali: Madam Janet Ecker, the Minister of Finance.

Mrs Dombrowsky: Janet Ecker is your MPP?

Mr Kassamali: No, she's not my MPP. You see, if you look at my leadership role, where I say that I have created a platform in Queen's Park and at the Parliament here, where members of different parties are coming there, and in my opening speech I had said that until and unless people from the visible minorities are given opportunities in decision-making, you can talk whatever you want to talk and say whatever you want to say, but you are not going to achieve results. So at that time I had said openly that there are so many people in the community who might be interested in getting appointments. If there are any available, please let us know. I had also shown interest for myself. If there was anything available for me, yes, I was interested.

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

Mr Kassamali: Do I have to declare that, Mr Chair?

Mr Wood: Well, it's up to him.

Mr Johnson: As long as he says "Conservative," there's nothing the matter with him.

The Chair: I always say that members of the committee may ask. I'm pretty lenient on the questions I allow members to ask, and I'm equally lenient on the witnesses. So you may answer whatever way you see fit, sir.

Mr Kassamali: OK. I am a good friend of all the three parties.

Mrs Dombrowsky: But you are declining to answer my question whether you are a member.

Mr Kassamali: No. If you want it in black and white, as he said, I have to please this Conservative -- OK, the Conservative Party.

Mrs Dombrowsky: Have you ever sought an office with that particular party as a member of an association?

Mr Kassamali: Absolutely not.

Mrs Dombrowsky: But you are a member. In what riding are you a member?

Mr Kassamali: To be honest, I have never become a member in any particular area. But I know that Ernie Eves's riding -- I have contributed membership there.

Mrs Dombrowsky: Mr Kassamali, just so that I am clear, perhaps you misunderstand. It would appear that you've indicated you have supported the Progressive Conservative Party, but you're suggesting that you perhaps are not a member of the party?

Mr Kassamali: Maybe. You might be right. Because sincerely, I don't remember contributing any particular amount to any party and getting a receipt that this is my membership. But I am saying it -- I'm not sure, but I assume.

Mrs Dombrowsky: I appreciate that, and I just want to clarify as well with regard to the statements that you have made around the inclusion of visible minorities on the various agencies, boards and commissions of this government. I could not agree more that it is important to have a balance of representation.

However, having said that, I think it's important to understand that when people do look for appointments to these agencies, boards and commissions, I have tried to establish for the public an understanding of how, in fact, that happens. So you would be explaining to me today that because of your direct connection with the Honourable Janet Ecker, that has assisted you in your appointment here this morning?

Mr Kassamali: I would ask you to assume whatever you want to assume, but I --

Mrs Dombrowsky: It is important that I am clear on this.

Mr Kassamali: Yes. As I said earlier, and I am repeating the same thing: that I have said publicly I was looking for an appointment if there was anything available. I asked and I was told, "Yes, there is one vacancy if I would like to apply, and I applied."

The Chair: Unfortunately for Mrs Dombrowsky, that's the end of her questions. Her time has expired. We now move to the third party.

Mr Michael Prue (Beaches-East York): Mr Kassamali, you and I have known each other for a long time, and I'm very pleased to see on your resumé that you list that I once gave you a Canada Day medal.

Mr Kassamali: Yes.

Mr Prue: Those were the days. That was about 10 years ago. I had just become mayor.

Mr John Gerretsen (Kingston and the Islands): The good old days.

Mr Prue: The good old days, yes.

I'd like to go back, because I think there is some confusion in the room about your role in the Association of Progressive Muslims. Just so that everybody understands -- and I don't know if you explained it well enough to Mrs Dombrowsky -- every year the Association of Progressive Muslims at Eid has a celebration at Queen's Park, and every year you invite all of the political parties and mayors and councillors from around the Toronto area to attend that celebration.

Mr Kassamali: Right.

Mr Prue: Every year people come and address, I guess, hundreds of people, progressive Muslims, from the Toronto area, and it was at one of those celebrations that -- Janet Ecker I know attends for the Conservatives, I attend for the NDP and I think Mr Phillips attends for the Liberals, because you were saying the names earlier --

Mr Kassamali: Yes.

Mr Prue: So it was at a time like that that you posed the question to Mrs Ecker?

Mr Kassamali: Yes.

Mr Prue: And she suggested to you --

Mr Kassamali: That there was a vacancy.

Mr Prue: Now, I note that you live -- and I'm doing this from your address. I have never been to your home, but I note that you live in North York, at 76 Wild Briarway. Where in North York is that?

Mr Kassamali: Leslie and Sheppard area.

Mr Prue: Just to be clear, you are not a member of the riding association there?

Mr Kassamali: No, I'm not.

Mr Prue: The donations you have made to political parties, have you made them to all parties or just the Conservatives?

Mr Kassamali: Yes. You see, when I make any kind of contribution, it is from my business. The only time I might have given any personal money from myself, as Zul Kassamali, could be for a dinner or something which I had attended, a fundraiser. But personally I don't remember -- and I need to be corrected if you have any record that I have contributed as a member of any political party. I don't recall.

Mr Prue: So you go to political fundraising dinners?

Mr Kassamali: Yes.

Mr Prue: And you do that for all parties?

Mr Kassamali: I do it for all the parties.

Mr Prue: And you do it for municipal politicians?

Mr Kassamali: Oh, yes, every party, including the police chief and other dignitaries.

Mr Prue: I know that every time I go to any South Asian function, any Muslim function, including a wedding this past week, you are there.

Mr Kassamali: Yes, I was there.

Mr Prue: I think that's all the questions I have.

Mr Martin: The only question I have is, in seeking this appointment, what experience, skill or knowledge do

you bring that would be particular and helpful to this challenge and job?

Mr Kassamali: I have worked with the Aga Khan arbitration and conciliation board, where you have to make decisions for two parties. If there was a matrimonial case, husband and wife, you have to make sure that in that conciliation you make a fair and amicable judgment. We have been trained in conflict resolution, so I thought this would be an asset for this particular committee.

Mr Martin: What background at all do you have in the insurance industry?

Mr Kassamali: None.

Mr Martin: No knowledge whatsoever?

Mr Kassamali: Absolutely none.

Mr Martin: Those are all my questions.

The Chair: That was very brief and to the point. We have completed any questions for the three parties. Thank you very much, sir. You may step down.

Now we go to the appointments review decisions and I will entertain certain motions. First is Mr Norman Crawford, intended appointee as member, Environmental Review Tribunal.

Mr Wood: I move concurrence.

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

Mr Wood: Yes, I'd like to speak on this.

I think when you look at a tribunal as important as this, you have to take an overall view of the kind of qualifications needed. I think in doing that, we might want to consider the skills that are needed for a position of that nature. I think the key skills one needs are, in essence, adjudicative, and I think when you look at Mr Crawford's background, you can see that he has, over what is now a 31-year period that he has been licensed to practice law, quite a bit of experience, both in terms of working with adjudicative tribunals and in terms of serving on them. That, to me, is the key qualification that one should look for in someone who is being considered for appointment to a position such as the Environmental Review Tribunal.

I think we also obviously have to consider what background the individual has and the issues that are going to be before the tribunal, and I think that there is a significant similarity between the issues that come before the Ontario Municipal Board and those that come before the Environmental Review Tribunal. So I think there is quite a bit of experience shown in his background in terms of the kind of issues that are going to come before the tribunal.

Now, that is not to say that he is not going to have to learn more about some of the issues that are going to come before the tribunal. In actual fact, from what I heard when I listened to his comments and responses to questions, I think you have someone who is interested in learning, who understands how to learn. When you take a look at his background and the various things he's done over the years, I think you have someone who understands how to pick up expertise. You have someone who

has an open mind. I think some of the business experience he's had, some of the community involvement he's had, all of that pointed to an individual who I think can make quite a significant contribution.

I also thought it was rather interesting, while we're on the topic of this appointment, that he became ineligible at age 65 to continue to serve on the Ontario Municipal Board.

We've had a lot of talk, initiated of course to some extent by the Ontario Progressive Conservative party and commented on by others as well --

Mr Gerretsen: Oh, come on, it was Mike Colle bill that started the thinking about it.

The Chair: Order, please. Mr Wood has the floor.

Mr Wood: I would give primary credit to the Ontario Progressive Conservative Party for putting this item of mandatory retirement well up on the agenda. I would not, however, take away credit from anyone, even though they are not able to convince their own party to make that a centrepiece of their platform.

Mr Gerretsen: Oh, take that back.

Mr Wood: I would not take credit away from those who've worked hard on an issue, even though their ideas were not accepted by their own party.

Mr Gerretsen: Who says?

Mr Wood: I'm sure that advocates of moving this issue up the agenda were quite disappointed by the lack of response by the Ontario Liberal Party. However, we digress slightly. I would like to come back to this individual.

I'm going to give Mr Gerretsen a chance -- in fact, if Mr Gerretsen wants to come in on this, I'll give him the chance right now on the understanding, Mr Chair, that I'm going to speak further on this in a minute. But I will yield the floor to Mr Gerretsen, because I take it he has some concerns with what I've said. So I will yield to Mr Gerretsen on the understanding that I have a little more to say here.

Mr Gerretsen: Are we now in a total American system where we're yielding the floor to other people?

The Chair: Order. I'm looking for anyone else who wishes to speak at this time.

Mrs Dombrowsky: Is this on Mr Crawford?

The Chair: Yes.

Mrs Dombrowsky: I'm speaking at this time to indicate I will not be able to support this appointment. I find Mr Woods's observations rather interesting, citing particularly the experience that this individual would have in a quasi-judicial role.

We regularly, on this side of the table, get sermons from government members about how unreasonable and inappropriate it is when there's some expectation that intended appointees would have some experience related to the particular appointment. Now government members are suggesting that that's a quality in this particular case that weighs heavily in favour of this intended appointee.

I have to say that during the line of questioning, I was deeply disappointed with the responses with respect to impacts on the ecosystem, the Environmental Bill of

Rights, the statement of environmental values. I thought his comments, quite frankly, reflected that he had done little or no homework to appreciate the significance of all of those aspects.

With regard to his experience on the Ontario Municipal Board compared to what he would be doing with the environmental tribunal, I would suggest that the issues can be profoundly different.

There were points raised as well about ensuring that people do have a very clear understanding and appreciation of environmental issues. It is important that I have some sense that members of this board would bring some of that to the table. I have to say that while I believe Mr Crawford is eminently qualified in many fields, I don't believe that considering matters of the environment is one of those. This is the very main reason why I will not be supporting this appointment this morning.

The Chair: Any other comments from members of the committee? Mr Gerretsen, on the specific motion by Mr Wood?

Mr Gerretsen: Yes. Although I was not present during the entire hearing process, I will have you know that I watched it intently in my office on television right from 10 o'clock on. So I've listened to all three presentations and all the questions and answers. For once in my life, I totally agreed with Mr Wood, until he started into his partisan harangue. I think the Hansard record will clearly show --

Mr Wood: That it was a non-partisan harangue.

Mr Gerretsen: -- that Mr Colle, an eminent member of our party, brought forward a private member's bill that would have dealt with the mandatory retirement situation. It was the Conservative caucus, even though there are supposed to be free votes during private members' hours, that voted unanimously against it at that point in time. I just wanted to state that for the record.

The Chair: Did you have anything specific to say about Mr Crawford?

Mr Gerretsen: Yes, I will say something about Mr Crawford. I was rather impressed by Mr Crawford.

I may differ with esteemed members of this committee on this, but I think it's unfortunate that we have some high-level boards such as the Ontario Municipal Board that have a mandatory retirement age currently, and other boards such as the Environmental Review Tribunal that apparently do not have that. There should be some consistency in that. I'm all in favour of getting rid of the mandatory retirement. My party's been consistently in favour of that in the past.

The Chair: If I can make an editorial comment on this that may or may not be accurate, it seems to me this was done because these were lifetime appointments. That may be the reason, that years ago a lot of these agencies, boards and commissions were lifetime appointments; they're called "at pleasure." So the appointment didn't go until a person was 107, even though some people at 107 might do the job very well. I think that's probably why it was put in originally.

That is a bit of a sidetrack from what --

Mr Wettlaufer: The Senate is 75.

The Chair: And the Senate is 75 now, I'm told.

The member for London Fanshawe wants to vote --

Mr Wood: I wanted to complete my thought, which was this: I think the fact that the current rules do not permit the OMB to consider reappointing someone like Mr Crawford shows that we may have to revisit the rules.

1200

Mr Martin: I think it's important that on these boards and commissions we bring new people onboard, move people along, so that there's the different perspective that's out there across the province at the table in terms of decisions that are made.

But the pattern I'm picking up here -- and I've sat on this committee for quite a while now, a number of years -- is that we now have members of the Conservative Party on a career track through some of these appointments. These are supposed to be people who want to serve their community, oftentimes in a volunteer capacity, to make sure that regulations are being lived up to and that we're keeping a level of standard in the way that we deliver public services and protect things like the environment. We now have people who on a career track getting caught in a bind where there's mandatory retirement, so the Tories have found a way, I guess, before they get their legislation passed, to actually even supersede that. Now they'll just appoint them to another board, no matter the experience or knowledge or skill or whatever.

This appointment to the Environmental Review Tribunal, when you consider some of what's happened over the last few years in the province, Walkerton and the concern about water and the concern about protecting the ecosystem -- I was at a meeting this weekend in the Soo with Great Lakes United, a group of international people, many ordinary citizens who live in environmentally sensitive areas concerned about the health of the Great Lakes, who are expressing tremendous concern about the impact on the Great Lakes because of some of the decisions that are being made in terms of development and growth and the way we deal with waste and that kind of thing.

I think we have to be really thoughtful and considerate when we look at who we appoint to some of these panels, because they're making decisions that will affect not only our lives but the lives of our children and their children as we look at the sustainability of the ecosystem and some of these areas that we have stewardship over in Canada right now. We have control over probably a quarter of the world's water. If we don't look after it, it's going to be a very sad day in Canada and in the world.

One fellow at the meeting the other day -- actually, it was a Liberal MP. His name escapes me, but very --

Mr Gerretsen: Well-known, I suppose.

Mr Martin: Yes, very experienced and knowledgeable, very left-leaning. He is actually supporting Sheila Copps for --

Interjection: Charles Caccia.

Mr Martin: Charles Caccia, yes. He was at the meeting.

Mr Gerretsen: Excellent man. One of the best environmental ministers we've ever had.

Mr Martin: Excellent man, absolutely, supporting Sheila Copps for the leadership of the federal party, just to tell you how left wing he is. If I were in the Liberal Party, I'd be supporting Sheila Copps too. She'd be my choice for leader if I were one of you folks, just to give you some advice.

The Chair: She'll get the Hansard of this if you're not careful.

Mr Martin: I have a sister who --

Mr Frank Mazzilli (London-Fanshawe): She's my choice too.

Mr Martin: Are you a left-leaning Tory? Are you a Red Tory, Frank?

Mr Gerretsen: Are you kidding?

Mr Martin: Is he, Frank? I don't know.

The Chair: This is getting off-topic. Anyway, back to Mr Martin's astute comments.

Mr Martin: I was just wondering what Mr Mazzilli's take would be on Mr Davis's little rant on the weekend about what these guys have done to education. He's the pre-eminent Red Tory out there, isn't he?

Mr Wettlaufer: You "mis-red" what he said.

Mr Martin: I mis-red what he said. I see -- the Red Tory. Anyway, I was impressed with the work that Charles Caccia is doing and the concern that he has about the environment. I think if we're taking our responsibility seriously here we have to be concerned as well that we not be simply appointing people because they're on a career track, but that we're appointing people because they have some background and knowledge and some passion for the position and some interest in actually protecting the ecosystem as we move forward, for ourselves and for future generations. So I can't find myself able to support this appointment this morning.

The Chair: Any further comments? If not, we will have the vote.

Mr Johnson: Can I have a recorded vote?

The Chair: A recorded vote has been requested.

AYES

Johnson, Mazzilli, Wettlaufer, Wood.

NAYS

Dombrowsky, Gravelle, Martin.

The Chair: The motion is carried.

The next selection is Mr Suresh Thakrar, who is an intended appointee as a member of the Ontario Securities Commission.

Mr Johnson: I request a recorded vote, please.

Mr Wood: I move concurrence.

The Chair: We'll get the concurrence first of all. It's moved by Mr Wood. Any comments?

If not, a recorded vote has been requested by Mr Johnson.

AYES

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

The Chair: The motion is carried.

The next intended appointee is Zulfikar Kassamali, intended appointee as member, Council of the Registered Insurance Brokers of Ontario -- Complaints Committee and Discipline Committee. Any comments?

Mr Wood: I move concurrence.

The Chair: Thank you very much, Mr Wood.

Any comments?

Mr Johnson: I request a recorded vote, Mr Chair.

The Chair: Any comments on this appointment before I move to the vote? If not, all in favour?

AYES

Dombrowsky, Gravelle, Martin, Johnson, Mazzilli, Wood.

The Chair: The motion is carried.

That completes the business. Any further business for the committee?

I'll ask our clerk, do we have sufficient people next week?

Clerk of the Committee (Ms Anne Stokes): We have two for next week.

The Chair: We have two for next week, which will be sufficient for next week. I'll entertain a motion of adjournment.

Mr Wood: So moved.

The Chair: Mr Wood has moved adjournment. All in favour? Opposed? The motion is carried.

The committee adjourned at 1206.

CONTENTS

Wednesday 11 June 2003

Subcommittee report	A-39
Committee business	A-39
Intended appointments	A-39
Mr Norman Crawford	A-39
Mr Suresh Thakrar	A-43
Mr Zulfikar Kassamali	A-47

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Mr Bob Wood (London West / -Ouest PC)

Also taking part / Autres participants et participantes

Mr John Gerretsen (Kingston and the Islands / Kingston et les Îles L)
Mr Michael Prue (Beaches-East York ND)

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Mr David Pond, research officer,
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