



ISSN 1180-4335

**Legislative Assembly
of Ontario**

First Session, 38th Parliament

**Assemblée législative
de l'Ontario**

Première session, 38^e législature

**Official Report
of Debates
(Hansard)**

Wednesday 17 November 2004

**Journal
des débats
(Hansard)**

Mercredi 17 novembre 2004

**Standing committee on
government agencies**

Intended appointments

**Comité permanent des
organismes gouvernementaux**

Nominations prévues

Chair: Tim Hudak
Clerk: Susan Sourial

Président : Tim Hudak
Greffière : Susan Sourial

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Room 500, West Wing, Legislative Building
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Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Wednesday 17 November 2004

Mercredi 17 novembre 2004

The committee met at 1004 in room 151.

SUBCOMMITTEE REPORTS

The Chair (Mr Tim Hudak): Good morning, folks. Welcome back to the standing committee on government agencies. We will now commence the meeting. Welcome to our intended appointees. We have some regular business to attend to before our first intended appointee is called forward.

Our first order of business is the report of the subcommittee on committee business, dated Thursday, October 28, 2004.

Mr Lorenzo Berardinetti (Scarborough Southwest): I move adoption of the report.

The Chair: Any discussion? Seeing no discussion, all in favour? Opposed? It is carried.

Our next order of business is the report of the subcommittee on committee business, dated Friday, November 12, 2004.

Mr Ernie Parsons (Prince Edward-Hastings): I so move.

The Chair: Mr Parsons moves its adoption. Any debate? Seeing none, all in favour? Any opposed? It is carried.

COMMITTEE BUSINESS

The Chair: Is there any other business before I move ahead to our intended appointees? Mr Tascona.

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I have a letter, dated November 15, to yourself. I don't know if everyone has that in front of them.

The Chair: This is from the government House leader.

Mr Tascona: Yes, from the Honourable Dwight Duncan, government House leader. It deals with your letter that was sent from the standing committee on government agencies.

There are two issues. The first has to do with the press releases. He states:

"The committee has raised the issue of press releases, announcing intended appointments in advance of the standing committee receiving OIC certificates of intended appointments. The issuance of press releases for proposed appointments is a long-standing practice, and press releases for proposed appointments state that the

appointments are intended, not confirmed. As such, the issuance of a press release does not impede the work of the standing committee in its review of intended OIC appointments."

That's the opinion of the government House leader. I am not aware, and I spoke to a person in the Clerk's office, of there being any long-standing practice. There are precedents for press releases being issued for major appointments. So I would take issue that there is a long-standing practice. I think that practice, whatever he's saying it is, should stop. That was the point of this letter with respect to press releases being issued before we even do our work.

I don't care what he says about saying they're intended, they're not confirmed. I think it's a matter of arrogance to issue press releases about people who are not even before the committee. It hasn't been reviewed by the committee. It hasn't been voted on by the committee. I want that position put forth, and if the Chair feels it appropriate, I think it should be relayed to the Honourable Dwight Duncan that this long-standing practice—in his words, long-standing practice; I don't believe it is—should cease and desist with respect to issuing press releases, because I think it is undermining the work of this committee. Certainly, I think it's a direction to the government members that this is something the government is going to do. I don't know how they can have any independence if the government has already put out a press release of these people being appointed to these particular committees.

We have to face the reality of the situation. I know Mr Parsons wants to speak. The bottom line is that there has to be some independence. The government already has the majority on this committee. This letter from the government House leader is making this committee a joke, in my opinion, a complete joke, and that's regardless of what I've said about the OIC certificates of intended appointments. We don't even deal with ministerial letters, which are outside the purview of this.

The next paragraph deals with the standing orders. He says:

"In addition, the committee has asked the House leaders to discuss the type of appointments that the standing committee can review. Within the near future, there will be a review of the standing orders. At that time, I will be pleased to discuss this issue with the other House leaders. Please ensure that you relay your sug-

gestions to your House leader, in addition to the correspondence that you have relayed to me.”

We’re a committee. To me, this is another affront to the committee process, that we have to go through our House leaders. If this committee is going to work and the standing committee process is going to work within the Legislature, they have to have some independence as a group. Certainly, the meeting on discussing standing orders is one thing, but we’re putting in a suggestion through this committee in terms of the purview and what we can review.

It would be nice to have unanimous consent on that. Certainly, that’s something I want to discuss in this committee, in terms of us going forth and saying we want a broader mandate with respect to what we can review, and it to be an official position of this committee. If this committee doesn’t want to do that, it will be because the government majority will have the final say of the day, of course, but I don’t know why we would not want to expand our purview in terms of appointments reviews.

1010

I think this should be on the agenda. I don’t want to hold up the appointees today, but I think at the next meeting we have, we should put on the agenda a motion from this committee to put to the government that we want to increase our purview in terms of what we’re doing. Also, the press releases have to stop with respect to maintaining the sanctity of the independence of this committee.

That’s something I would like to put forth for next day. Certainly the Chairman can consider that. If anyone has some suggestions about how they want to phrase that motion, it would be appreciated, but I think we’re going to have to take a position, as the standing committee on government agencies. After all, this committee is struck by the Legislature and it has to have some meaning. Obviously, the standing orders dictate our jurisdiction but, at the same time, we have to show how we’re working.

The next issue I want to deal with is the process issue. Alex Cullen was listed on the certificate as a municipal nominee to the—

The Chair: Just before we leave your advice on that first topic, you’re suggesting that should be part of our agenda for the next regular meeting of this committee?

Mr Tascona: Yes.

The Chair: Do you want to discuss this topic, because I know Mr Parsons wants to respond to the first, or do you want to get through both of your points?

Mr Tascona: I have another point, but if Ernie should respond, I certainly don’t have any problem.

The Chair: Why don’t we confine discussion for now to Mr Tascona’s first two points, with respect to the press releases and the Honourable Dwight Duncan’s response letter to mine as Chair, and the second being the greater scope for the committee to call intended appointees.

Mr Parsons: I can’t verify what’s meant by long-standing practice, but I know that what this committee is doing was the practice of the previous government. I

suspect the honourable member either was on this committee previously or subbed in at some time during the period. I don’t believe this issue was raised at the time the previous government was in office and held the majority on this committee and could have changed the rules at that time.

There have inadvertently been two instances where the appointees were identified as appointed. We apologized for that, and we apologize again, if it helps. That should not happen. But to indicate publicly that they have been nominated, I’m just astounded that that’s viewed as arrogance to this committee.

I would draw an analogy. I believe the honourable member made known that he was standing for election to office prior to the day the actual election took place, which I don’t think was arrogance to the electorate at that time to let them know. When in fact the certificates are released, I would suggest that they, in some ways, become semi-public at that time when the lists are distributed to each and every one of the members. The indications have been very clear that they are intended appointees. We make no apologies for that. They still follow public scrutiny. I just simply think that it is politicking to state that there is an affront to the committee at all. The entire caucus of all three parties knows what’s happening at that time.

With regard to the second one, as to which ones we interview, sure, if you want to interview civil servants, we’ll interview civil servants, but I don’t believe it’s within our purview to do it. The standing orders cannot be modified or amended by this committee. There is an opportunity for the three House leaders to get together, and I would urge Mr Tascona to make his point clearly to his House leader at the time it’s discussed. But the standing orders cannot be changed by this committee.

I do hesitate to see this issue prolonged, in the sense that we have people who have come here. If the member wishes to make a motion, we’d be happy to deal with it now. Let’s get it over with and let’s get on to the real purpose of this committee, which is to interview and confirm or not confirm nominees.

The Chair: Before we get to Mr Tascona’s second item that he wanted to bring up—

Mr Tascona: I want to respond.

The Chair: Just give me a second. Are there others on the committee who want to enter into this particular debate? Ms Horwath will.

I think Mr Tascona’s first point was that he would actually want to have this as an item on our next agenda so we can plan for it and so as not to delay the intended appointees, right? That’s what your original suggestion was?

Mr Tascona: It is part of the “Other Business.” The bottom line is, we’re not here just to review appointees. This committee can review agencies, and there are other things. But the point of the matter is, ministerial letters are not civil servant appointments. It’s another method of appointing people to agencies, commissions and boards. That’s the first point.

The member for Hamilton East wants to speak, and I'll leave it there for the moment. But the bottom line is, I'm not going to go through this every time. I'm delaying people being interviewed. Well, I'm sorry. The committee has to do something here besides just—we've got "Other business" on the agenda. I've got a right to raise it, and I'm raising it. It's your letter. I don't think it's politicking. I guess you're politicking by having sent the letter to the leader.

The Chair: Ms Horwath?

Ms Andrea Horwath (Hamilton East): No comments really, Mr Chair, except that we should perhaps be talking about setting aside 15 minutes or so and beginning our appointees' invitations for 10:15 as opposed to 10 o'clock, thus providing us the opportunity to deal with—

The Chair: That's what I'm inclined to do, which was Mr Tascona's first suggestion: to table this discussion for the time being, and in the next regular meeting of this committee set aside some debate time. That way we won't delay our intended appointees who are here expecting a 10 o'clock. We'll try to work out something that's fair in terms of debate time.

Mr Parsons: We're happy, as long as there's a solution determined at some time, rather than this becoming a weekly event.

The Chair: I'm inclined to actually set aside time in the agenda so we can let our intended appointees know accordingly. I appreciate Ms Horwath's suggestion in that regard.

You had a second point?

Mr Tascona: Alex Cullen was listed on the certificate as a municipal nominee to the Champlain District Health Council. What worries me is that his biographical information makes no mention of the fact that he is a former MPP. Not only is he a former MPP, but he was also a member of this committee.

I cannot believe that he tried to hide this background. The biography of Mr Cullen from the city of Ottawa site clearly makes mention of the time he spent as an MPP. It's not like he was a stranger to this place. Many members of the Liberal and NDP caucuses know who he is. Some of our own caucus also remember him. Why is it that his biographical summary information fails to mention this? Is this something that is being hidden for political reasons? It just mystifies me how something this significant can be overlooked. It is something that also concerns me. How are we supposed to make recommendations on who should be called to appear before the committee if we do not have complete information coming to us from the Public Appointments Secretariat? Are we supposed to call everybody on every certificate to appear before this committee simply so that we can obtain accurate information about them? I think you have that on record, what was put forth in terms of his background. We have his resumé and also what was put forth to us.

Those are the points I want to make on that. Once again, the information that I think is important for us to be able to do our job is not being provided.

The Chair: Any comments?

Mr Parsons: I don't know whether this nonsense is unparliamentary or not, but that's my reaction. Each person who applies for any position to the Public Appointments Secretariat chooses the information that they wish to submit. I would suggest to you that over the life of this Legislature, not everyone has put down every fact. One would even question whether that information the member has referred to is pertinent to the appointment. I believe what a candidate attempts to do is to put forward the information that is pertinent to show that they are the best candidate. This committee exists if you want to question that.

I'm very uncomfortable with questioning the qualifications without the individual here. If there's any hesitation, call the individual. You have an opportunity to question them. But they are not going to put their entire life story down. It is only reasonable that they put down what they believe will show that they are qualified for this appointment.

Mr Tascona: I just want to point out for the record that everything we're putting forth here Mr Parsons seems to think is just political and just complete nonsense. That's what I'm getting, the drift here.

Our role here is to make sure not only that we review and interview intended appointees; our role here is to make sure that we get the full information for us to make a conscious decision to put the best people in place on the agencies, boards or commissions, which are in excess of 500. The other part of the matter is, dealing with this process, that's a glaring oversight. The bottom line is, this role that we play here is not just to deal with intended appointees. We also have a mandate under the standing orders to do other things, which I think I will be starting to pursue.

That's all I have to say, Mr Chair.

1020

The Chair: The point is noted, as well as Mr Parsons's response. Any other items for discussion before I move to our first intended appointee? Thank you.

INTENDED APPOINTMENTS

ROD STORK

Review of intended appointment, selected by third party: Rod Stork, intended appointee as member and chair, Agriculture, Food and Rural Affairs Appeal Tribunal and Board of Negotiation.

The Chair: I'd like to call forward Mr Rodney D. Stork. My wife and I are hoping Mr Stork will arrive at some point in time, so welcome, sir.

Mr Parsons: That is cheap.

The Chair: You've got to lighten things up every once in a while.

Mr Stork is intended appointee as member and chair of the Agriculture, Food and Rural Affairs committee.

Mr Stork, welcome. Obviously, you've been to this committee in the past, judging by your bio, I believe.

Mr Rod Stork: First time here.

The Chair: Then I misread it. It shows what I know.

We have a total of 30 minutes where we divide it among the three different parties. You're welcome to make some introductory remarks about yourself, your qualifications. Any time you take, by tradition, is taken from the government side. We'll do a rotation on questions, and because we started with the third party last time, the government will begin with any questions that they may have. So, Mr Stork, welcome. The floor is yours.

Mr Stork: Good morning, Chair and committee members. Thank you for giving me the opportunity to meet with you this morning to consider my appointment as member and chair of the Agriculture, Food and Rural Affairs Appeal Tribunal.

I believe you've all received my resumé prior to this meeting, so please allow me now just to take a few minutes to outline why I'm interested in this appointment and how I might be able to contribute effectively to the operation of the tribunal.

I've spent my entire professional career working with the multi-million dollar agri-food sector in Ontario. This has involved working in a number of wide-ranging positions within the Ministry of Agriculture and Food and in numerous locations across the province of Ontario.

I was born and raised on a beef, cow, calf and grain farm in Saskatchewan and, after completing university in Saskatoon, I moved to Ontario to work with the ministry, beginning in 1970. I completed my career with the ministry on September 3 of this year, finishing in my role as chairman of the Ontario Farm Products Marketing Commission. The commission oversees the operation of the regulated marketing system in this province under the Ontario Farm Products Marketing Act and the Milk Act.

During my career with the ministry, I have seen tremendous change in the agri-food sector in this province, but one constant has been the continued importance of the entire sector to the economy of the province of Ontario.

The tribunal is one of the agencies within the ministry which provides a valuable service to those involved in the agri-food sector to ensure that producers, suppliers, processors and others have an avenue to raise concerns, issues, appeals and complaints as a result of actions taken under legislation impacting the agri-food sector in this province.

The tribunal is a quasi-judicial body that exercises the jurisdiction of five now-defunct agencies: the Crop Insurance Appeal Board, the Farm Implements Board, the Farm Organizations Accreditation Tribunal, the Farm Products Appeal Tribunal, and the Ontario Drainage Tribunal.

In addition, the tribunal hears appeals of licensing decisions under a number of statutes, acts as the board of negotiations under section 172 of the Environmental Protection Act, hears certain appeals under the Assessment

Act concerning the farm property class, and adjudicates disputes under the Agricultural Employees Protection Act.

While I'm not familiar and will not pretend to you that I'm familiar with each and every detail of all of the above acts, my experience working with the ministry has given me a good insight into the types of issues that arise under the various pieces of legislation that I noted.

Having been the appointed chair of the Farm Products Marketing Commission, I have had a great deal of opportunity over the last four and a half years to apply my strong communication, facilitation, leadership, negotiation and mediation skills, which are required in this role.

I also believe very strongly in the right of individuals or groups of individuals to have a further forum to raise concerns where decisions rendered or actions taken unduly affect the individuals, at least in their own minds. I believe the tribunal plays a tremendous role in allowing that further forum.

When you combine this belief with my interest in and desire to stay involved with the agri-food sector in this province, the opportunity to be involved with the tribunal seemed a natural fit when I was approached about my interest in the position back in the early summer of 2004.

I believe there are some key areas to keep in mind when we look at the effective operation of the tribunal and future roles that the tribunal might play; for instance:

—Are there statutes or pieces of legislation that could fall under the mandate of the tribunal with regard to having a mechanism of appeal or complaint for those aggrieved by decisions?

—Ensuring that there's a well-qualified roster of people representing the various components of the agri-food sector appointed to the tribunal, thus allowing each and every complaint or appeal to receive an unbiased and effective hearing;

—Ensuring that the tribunal operates in a manner that is seen above reproach, thus providing that peer review of appeals or complaints that will allow those involved in the process to feel they did have a fair hearing;

—Ensuring that participants in the hearings understand the process that is used so that it does not become overwhelming for all of those involved.

I believe my background and skills are well suited to the position of chairman of the tribunal. I would look forward to applying these skills with the committee's support of my appointment to the tribunal.

Thank you, and I'd be prepared to answer any questions at this time.

The Chair: Outstanding. Thank you, Mr Stork.

It goes to the government side. You have about six minutes' time.

Mr Parsons: Have you ever been a member of the Legislature or a member of this committee?

Mr Stork: No, sir, I have not.

Mr Parsons: You should have noted that on the resumé. Seriously, no. Thank you very much for applying. Your qualifications are most impressive.

Mr Stork: Thank you.

The Chair: Any others? To the official opposition.

Mr Berardinetti: That was my question.

The Chair: He does look familiar.

Mr Stork: We've seen you, sir, but not in this room.

Ms Laurie Scott (Haliburton-Victoria-Brock): Thank you very much for appearing before us today. You do have an extensive history and your qualifications are quite impressive. Are you retired now?

Mr Stork: I retired September 3 of this year. I do want to make sure the committee understands I'm currently on vacation, using up vacation credits that I accumulated over the years, until the end of December. So if my appointment is to go ahead—and I've told everyone this since I was approached about this—I would not be eligible to take on this role until January 1. I'm still very much interested in it, but currently on vacation. That's where I'm at.

Ms Scott: Obviously you're inside, so you heard about the appointment. You just knew it was coming up? Why this committee?

Mr Stork: I was approached back in the early summer of this year by one of our senior staff members of the Ministry of Agriculture and Food, who actually oversees the tribunal in terms of staffing. At that time, it was indicated to me that there might be a change in the chair position, and would I be interested in letting my name go forward on a roster as a potential candidate? I thought about it and then went back to the senior staff person and indicated that I would because it was something that did appeal to me and, as I indicated in my notes, would keep me involved in this industry that I'm very passionate about and have worked in for a long time.

Ms Scott: That's great. The senior staff person, can you divulge the name?

Mr Stork: Yes. It was Bonnie Winchester, who is the assistant deputy minister of the food industry division with OMAF.

Ms Scott: They know you quite well. Did you have an interview process at all or just very informal?

Mr Stork: No, none of that, Ms Scott. I was asked if I would present a resumé. I did so, and then I was told that my name would be going forward as part of a list. That's how I understood it at that time.

Ms Scott: Part of your responsibilities certainly will be dealing with the Minister and the Deputy Minister. What do you see as the main issues before the tribunal? I ask that because I'm very happy that you want to stay involved in the agri-food industry. Especially with the crisis that's going on in the agriculture industry, someone with your background is going to be very important. For example, AgriCorp is taking over the CAIS program right now. Do you feel that you're going to be seeing a lot of that before the tribunal? How is it functioning now? I know it's a new program, but you're going to take it over. Is it December 1 that AgriCorp takes it over?

Mr Stork: Yes, I believe. That transition was just starting when I left the ministry, but my understanding is that transition is happening as we speak.

My sense is that the tribunal won't necessarily hear any more or fewer hearings or complaints or appeals coming forward whether the CAIS program is under AgriCorp or not. That's one of the areas that I think needs to be looked at, whether there needs to be any additional roles and responsibilities applied to the tribunal. Right now, all the tribunal hears with regard to AgriCorp is under the Crop Insurance Act and complaints brought by individual farmers who feel they have not received a fair settlement under the Crop Insurance Act.

There are a lot of challenges in the industry, clearly, but I'm not sure it's going to mean any more or fewer things coming forward to the tribunal. The tribunal is there to meet individual concerns where they feel that they may have been aggrieved by decisions under existing legislation. I know from my background with the commission, we had instances where decisions that the commission made were taken to the tribunal, and that's quite fair. That's a system I believe in very strongly and that we should have, where that other voice can be heard or another voice can be brought into the mix to hear those concerns and then provide a follow-up ruling, if necessary.

1030

Ms Scott: I come from a predominantly agricultural area, Haliburton-Victoria-Brock. I'm trying to assist farmers in my area right now with the CAIS program, actually getting the money and what money is coming. You've been with the ministry. Do you have any comment on how the CAIS program has worked so far, or do you see any ways that improvements can be made? Can you comment at this time?

Mr Stork: I don't really have any specific comments to make. When I was chair of the commission, obviously CAIS was part of the ministry's role in terms of delivering that at the provincial level. I know concerns have been raised by individual farmers and farm organizations. It's a very challenging task to administer a program in a federal-provincial agreement. I think we all know those, across the board, in any sector we might deal in. It's just incumbent on the ministry, government and agricultural organizations in this province to continue to work together to make sure the intended use and the intended beneficiaries of the program get their support for any program in the most efficient way possible. I'd leave it at that, at this point.

Ms Scott: So I guess we'll wait and see which cases are going to be brought before the tribunal.

You also are going to be hearing before the tribunal the assessment appeals. We've had a lot of discussion about the greenbelt legislation. How do you think that's going to impact on the function of the board now?

Mr Stork: I think it'll be difficult to say right off the top. I've read about the proposed greenbelt legislation and what's moving forward since it was announced. Whether or not this is going to impact on the business of the tribunal, I think the tribunal needs to be in a position to respond. In my comments, I indicated that it's neces-

sary and I believe very strongly that we need to have a well-qualified panel to be ready to deal with those issues if they come forward. But my understanding, Ms Scott, is that there's a lot of work to do yet with the greenbelt before we see whether there will be individual impacts, which is what the tribunal would be dealing with—individual producers who feel their assessments are not being handled in an appropriate way. I think the jury is still out on that one.

Ms Scott: The Liberals want to have the greenbelt passed by mid-December. We're just getting the impact of what's going to happen to farmers in the appeal process. So if you're coming in for January—

The Chair: Two minutes.

Ms Scott: Two minutes. Sorry. I'm going to pass it over to my colleague.

Mr Tascona: Just to follow up on the greenbelt, the greenbelt excluded the rich farmlands that are in Simcoe county, the Holland Marsh. Do you have any comment on that, about excluding areas that are rich in farmland? That's just Simcoe county.

Mr Stork: I'm not sure, Mr Tascona, of the exact areas that have been excluded and so on. I guess in any decisions you make that drive policy forward, you're going to have exemptions, you're going to have—

Mr Tascona: I know. Are you familiar with Simcoe county?

Mr Stork: Yes, I am.

Mr Tascona: Do you think it's wise to exclude that rich farm area from the greenbelt, in your opinion?

Mr Stork: I believe that in Ontario, in order to keep a strong agri-food sector, we need as much prime class 1, 2 and 3 land as we can possibly have. I've believed that since the day I started working with the Ministry of Agriculture and Food. That is still a personal belief I hold today.

Mr Tascona: OK. Thank you.

The Chair: I'll just give you a really short one, Ms Scott.

Ms Scott: I wanted to ask about the municipal outlet drainage program and the cancellation of the funding for the three livestock genetic improvement organizations. That's not a positive effect for farmers. You've been with the ministry. How do you feel that's going to affect farmers? Were you involved in any of those decisions?

Mr Stork: I was around the executive table when those decisions were taken and those recommendations went forward to the minister, yes, I was. I have believed for many years, on the genetic improvement organization side, which I worked with in extension work in the field and so on for many years, that those programs had reached maturity in terms of their goals and objectives and what they needed to do. At that point in time, it's my belief that those organizations need to stand on their own, that they need to move forward on their own and provide the services to producers on their own.

On the municipal drainage side—a tough decision around that. I know how valuable drainage is to farmers. I see it and I've seen over the years—when I came to

Ontario in 1970—how much tile drainage meant to Ontario farmers. I'm not exactly sure of what changes have been brought back in as a result of that, I must admit, because I haven't followed it since I left the ministry, but I know how valuable it is. It ultimately comes down to making tough decisions that have to be made. We've dealt with that. I dealt with it in senior executive positions with the ministry over the last 10 years of my career, having to make tough decisions. They were not easy, but they were decisions that ultimately had to be made.

The Chair: To the third party, Ms Horwath.

Ms Horwath: Good morning, Mr Stork. My questions are going to centre around an area that wasn't covered by previous questioners. Some of the things I was going to ask you have already been covered off and there's no point in repeating the questions today.

I want to talk to you a little bit about what's happening with the Agricultural Employees Protection Act. I want to know if you have any particular knowledge or understanding of what has been happening in that kind of field, let's say, over the last four or five years with regard to the employees.

Mr Stork: No direct knowledge, Ms Horwath. I have followed it in terms of the chronology that has gone on with concerns about employer-employee relations, is how I'll call that, in the agri-food sector, including things like health and safety on the farm particularly.

As I see the role of the tribunal, the Agricultural Employees Protection Act now comes under the tribunal for individual complaints. I also know, however, that there has been a challenge put forward through the court system with regard to the current legislation. I personally don't expect we're going to see a lot happen with that act relative to individual complaints until that court decision is rendered. I may be wrong about that, but I don't think that's going to happen. In order for something like that to move ahead, we have to get appropriate decisions made; it happens to be in our court system and then we can deal with individual complaints, which will be the tribunal's role in this in terms of the act if it continues to exist as it is today.

Ms Horwath: At this point, you would not be prepared to give an opinion of what you think would be best for the industry in regard to that particular court case that's outstanding?

Mr Stork: At this point in time, Ms Horwath, no, I wouldn't, because I haven't followed it closely enough. I believe, as I've said in my comments, that the tribunal plays a key role in allowing individuals to bring forward complaints and appeals where they have been aggrieved. I think it can then play that forum for this particular piece of legislation. If I'm chair and the members of the tribunal are deemed to be ones who can hear those complaints, then we need to deal with them effectively.

Everyone has rights in terms of protection and so on in their workplace and to do their job well, but the exact form of that I think we really need to look at in terms of its broadest context for the agri-food industry in the province of Ontario.

Ms Horwath: OK. You mentioned quite quickly in your discussion the issue of health and safety. As you know, currently the Occupational Health and Safety Act does not cover agricultural workers—nor does the Employment Standards Act, as a matter of fact. Can you discuss with me what your opinion might be on whether or not agricultural workers should be perhaps covered by these pieces of legislation?

Mr Stork: Personally, again I believe that every worker in every sector within this province has a right to expect to be able to work in a safe workplace. That said, the day-to-day operations of farms in this province make that a huge challenge. I worked for a number of years in my roles in extension out in field offices with local farm safety association branches and, quite frankly, saw some very serious farm accidents over my career out in the field.

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Do we need further legislation or further commitment to try to prevent that? I think if it can help protect workers in this province, then anything that will help do that, education right through to legislation, is something that should always be looked at and put in place in the most effective way, without causing undue effect on the sector. That is a concern that the farm owners in this province have had over the years, as you well know.

Ms Horwath: In your opening remarks, you talked a little bit about some of your experiences around mediation and other types of work of that nature. Have you ever had any direct experience in labour relations?

Mr Stork: No direct experience in that area, no.

Ms Horwath: Not at all. OK.

You also mentioned—I don't recall whether it was in your remarks or as a response to the questions by the official opposition—the issue of panel hearings. It's my understanding that the Agricultural Employees Protection Act appeal process on those decisions requires there to be an odd number of people on the panel. At this point, there are only two members appointed with the requirements necessary to sit on the panel; ergo, the panel decisions are made by an individual, by one person. Do you think that's appropriate, or do you see your role as chair in some way altering that configuration? You did speak, I think at length, about issues of fairness, transparency, appropriate and actual justice and those kinds of things. Can you speak to me a little bit about whether you think it's within your purview as chair to address that and how you might address the panel situation?

Mr Stork: I received copies of the research that Mr Johnston had done yesterday, as a matter of fact, and this was one area that had been touched on that the committee had asked about. I did talk to senior staff of the tribunal yesterday. They informed me that we now have four appointees on the tribunal who are eligible to deal with Agricultural Employees Protection Act complaints.

In a general way, though, Ms Horwath, I would definitely say that one is not appropriate, and if we didn't have four on there to allow us to provide an odd number—more than one—that would be an area I'd want

to tackle. But I understand now that we are there. It would be my intent, if I'm chair, that we would always have more than the three available to us to be able to hear those complaints. It's the only fair way to do it, in my opinion.

Ms Horwath: All right. Well, Mr Chairman, that's the bulk of my questions, unless my colleague has any.

The Chair: Mr Prue? No.

Thank you very much, Mr Stork. As you probably know, we move to concurrences, when we vote on the intended appointees, after we've been through all of our appointees, so probably in about an hour or so. You're welcome to stay and enjoy the show.

Mr Stork: Or I can head back to Guelph.

The Chair: No, don't do that. Thank you very much, sir. It was nice to see you again.

Mr Stork: Thank you.

MARY MORDUE

Review of intended appointment, selected by third party: Mary Mordue, intended appointee as member, Health Professions Regulatory Advisory Council.

The Chair: Our second interview is with Mary Mordue. Am I pronouncing it correctly?

Ms Mary Mordue: Yes.

The Chair: "Mary Mordue" rhymes with "Prue," as a matter of fact. Ms Mordue is the intended appointee as member of HPRAC, the Health Professions Regulatory Advisory Council. Members will note by her biography that she is a Western alumnus as well, which is always good news to the Chair of this committee.

Ms Mordue, you are welcome to give us a brief description of yourself and your qualifications for the committee. We'll do a rotation, beginning with the official opposition, of any questions they may have for you. The floor is yours.

Ms Mordue: Good morning. As you know, my name is Mary Mordue, and I was asked to speak to you today with respect to my nomination to the Health Professions Regulatory Advisory Council, HPRAC. I know that you have a synopsis of my resumé in the briefing notes, so I'd like to tell you a bit about what that really means.

I believe my resumé tells you that, for the past several years, I've been working in a number of interesting roles as a consultant and as the director of strategic planning, marketing and sales operations for Cap Gemini and Ernst and Young. Earlier this year, I decided that I'd like to be home more with my family and travelling less, so I decided to leave Cap Gemini and work as an independent consultant so I would have more time for my family, to finish the MBA that I've been working on forever and can't quite finish, and to take on other interests such as this. I started my own consulting business and, in that capacity, I've been helping companies primarily dealing with integration issues as they bring business units together to achieve common goals.

Specifically, I help my clients with communications and with change management. I believe these are two

focus areas that would serve me well as an HPRAC member. When I am selling my expertise to prospective clients, I try to demonstrate to them that I bring an objective approach which helps them wade through complex issues and solve business problems, building strategies that place as much emphasis on people as they do on process and on technology.

What isn't on my resumé but what I think enhances my skills to serve effectively on HPRAC is that I'm also the mother of two young children and the daughter of aging parents—I think that makes me a member of the sandwich generation—and I live in rural Ontario. In those capacities, I've developed a keen interest in our health professions and specifically how they're structured to deliver services competently and effectively.

As I said, I live in rural southwestern Ontario. Drumbo is on the east side of Oxford county. As I'm sure all of you are acutely aware, there are some unique challenges associated with the provision of services to an area like the one where I live, although I'm fortunate to be in the hub of a number of large centres—London, Hamilton, Kitchener and Toronto—and have not personally experienced any particular issues with respect to the availability of high-quality care.

I have researched the role and mandate of HPRAC, and in particular the process that it follows, to thoroughly examine the issues that are referred to the council by the Minister of Health. I believe, based on both my experience as a consultant, as a consumer of services and as an advocate on behalf of my family, that I would contribute effectively and in a balanced way to the issues that are being considered.

I'd like to thank the committee for seeing me, and I look forward to your questions.

The Chair: Fantastic. Thank you very much for the presentation. We begin our rotation with the official opposition, which would be Mr Tascona.

Mr Tascona: Thanks very much for coming here today. Have you ever been a member of the Liberal Party of Ontario?

Ms Mordue: I have, yes.

Mr Tascona: Are you currently a member?

Ms Mordue: No, I lapsed my membership a few years ago.

Mr Tascona: Have you been a financial donor to the Ontario Liberal Party?

Ms Mordue: I have. I have also attended fundraisers for the Conservative Party and the Liberal Party.

Mr Tascona: I noticed from your resumé that you've acted as a policy adviser in the office of the provincial finance minister and that you worked for the leader of the official opposition, which would have been the Liberal Party, in 1987 and 1991. Just for the record, who was the minister?

Ms Mordue: I worked for Bob Nixon.

Ms Scott: Thank you very much for appearing before us here today. Do you have any comment on the recent delisting of the chiropractic, physiotherapy and optometry services by the present government? You say

you're from rural Ontario. I represent a rural riding, Haliburton-Victoria-Brock. Do you have any comment on the delisting of those services and the impact they're going to have?

Ms Mordue: I would suspect, from what I've come to learn about HPRAC, that it's probably not within the purview of the council to comment on policy; it would be more around making recommendations to the minister.

Living where I do, as I'm sure you can relate, to me, it's really about the provision of high-quality services. While who pays is always an issue, it really is about how we're served. In my own case, for example, I've had to seek out services in the past for my children where it hasn't been a service covered by OHIP, but if it's what you need, you pay for it. I think I put quality of care and the provision and access to care first. It would be nice if we could pay for everything, but I don't imagine that's possible, so we get the best we can for the people who need it.

Ms Scott: It's certainly going to affect a lot of lower- and middle-income people and have a larger effect on our health care system cost-wise. We don't have a lot of choices in rural Ontario, so I'm just quite concerned about that.

Another big rural Ontario issue is nurse practitioners. There are doctor shortages everywhere, especially in the rural areas. You're looking at the scope of practice with nurse practitioners. Do you have any role you'd like to see the nurse practitioners play?

Ms Mordue: I think I'd like to hear all of the issues and hear from everybody first. I do have a personal experience and an opinion which I think is relevant. Where I live, the closest community is Paris. There are 8,000 people in Paris. My family doctor is part of a primary care network, so I have access 24 hours a day, seven days a week to a network of health providers: doctors, nurses, nurse practitioners, someone in the lab. I'm extremely well served, especially considering where I live, and I do believe it's in part because it's not just the doctor; there's a variety of people looking after my family, and so I've had a very positive experience with someone who has partnered with nurse practitioners. As I said, I don't have a perspective yet on the appropriate policy around regulation, but I do have a positive personal experience around the services that a nurse practitioner has provided to my own family.

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Ms Scott: So you're very fortunate and hopefully will have more co-operation with the medical field and professionals in dealing with nurse practitioners.

Do you feel that if we could increase the scope of practice for nurse practitioners—there are some problems right now. I don't know if you know this, but I'll state it: They can refer to specialists, but specialists aren't remunerated for being referred from nurse practitioners. They are not paid to see the referral, whereas with doctors, if they refer to a specialist, the specialists are paid. There are things like that in regulations that need to be changed.

Were you aware of some of the nurse practitioners and the different levels of pay across the province?

Ms Mordue: To be honest, that's not a level of detail that I am aware of. As I said, my own experience is just around the personal service that we receive, the fact that it's a network. There's an obvious partnership that goes on in that network between all of the providers within it. But in terms of who's allowed to do what or who gets paid to do what, that's not a level of detail I'm familiar with.

Ms Scott: OK. In regard to the dental hygienists, their recommendation is to be permitted to clean teeth without a dental order. I don't know if you're familiar with that. We ask this question commonly, because they've done a good job of lobbying. How do you feel about that?

Ms Mordue: My only knowledge of the issue, frankly, is what I've read in the paper, so it's my view that I don't know enough. If all I know is what I've read in the news, there obviously are complexities around the issue that I'm just not familiar with. So it's too soon to have an opinion. I'd like to know more. I would expect that there's a lot going on that I haven't read in the paper, so I'd like to hear from everybody and understand where all the stakeholders stand.

Ms Scott: Very true. In rural Ontario, it certainly is an issue of access to primary dental care, if you want to call it that.

There have been recommendations to include naturopathy, acupuncture and traditional Chinese medicine under the Regulated Health Professions Act. Do you see the government acting on that? Do you have any comment on those professions?

Ms Mordue: My knowledge of both of those things is more around when I did some due diligence to determine whether this was an appropriate role for me. I got an understanding of the process that was followed to formulate the recommendations to the minister, so I understand the consultation process and so on. I wasn't there. I don't know what was said. I don't know the recommendations in sufficient detail to really know what's there and, furthermore, I don't know the mind of the minister and whether or not that's something they're going to move forward with.

Ms Scott: Have you had any exposure to naturopathic medicine?

Ms Mordue: No, it's not available where I live. No one in Drumbo is practising it.

Ms Scott: It's surprising; they're all over the place.

Anyway, thank you very much for appearing before us here today and for your willingness to stay on the committee.

The Chair: To the third party.

Mr Michael Prue (Beaches-East York): I'm curious as to why, of all the government committees—there are hundreds of them—you chose this one, because I looked at your resumé and there's nothing in it related at all to health, to alternate forms of medicine, nothing at all.

Ms Mordue: I understand your question. This one is of interest to me, as I said, because what I took from here

when I worked at treasury—treasury deals with lots of things, but the big deal is the budget. In development of a budget every year, it was all about the consultative process. I was sort of newly out of school, green and learning, and I learned about bringing in stakeholders and understanding various points of view and trying to come up with a balanced perspective that addressed as many needs as you could. That was something I learned here that I took away into my work in the private sector. So I became a consultant and, again, I try to work with my clients around a consultative process. I looked at HPRAC and saw the process they followed and saw a fit there.

Again, “nothing about health care”—I guess I'd argue that, as the mother of two kids, as someone whose parents are of a generation where they are in complete trust and go to the doctor and do exactly what they're told without asking any questions, as a bit of an advocate for them to make sure they're asking all the right questions and have all the information they need, I think I'm a little more involved in health care than not at all. I think we all are. It's really on my mind in terms of my children getting their needs met and so on. I think that's my interest, and I think the objectivity and the understanding of the process that I would bring would make me an appropriate contributor to that discussion.

Mr Prue: Before I go on to health, you did raise the issue—maybe I should have started there—of your job when you were fresh out of school. I see that you got your bachelor of arts in 1986, and in 1987 you were right into the Ministry of Treasury and Economics. But it also says “office of the leader of the official opposition.” Who was the leader of the official opposition?

Ms Mordue: Bob Nixon. When the government was defeated and he moved upstairs, I went with him.

Mr Prue: You went with him. OK, so that was just in that one—

Ms Mordue: It was all working for the same person. As I said, he was minister and then—

Mr Prue: OK, so you were working for Bob Nixon, as opposed to working for the ministry itself.

Ms Mordue: I was a political assistant working for the minister.

Mr Prue: All right.

Back to the issue at hand, I guess, which is all of these various groups. We touched on the dental hygienists—and, yes, they are a very effective lobby group—but I'd like to hear your view about non-doctor medical people.

Ms Mordue: Non-doctor medical people?

Mr Prue: This could be anything: people who aren't doctors but who advocate or do—a dentist is a doctor, but a denturist or a dental hygienist is not. Is it your view that only those who can say that they have a doctorate are capable of doing routine tests? This goes to everything from midwives, who aren't doctors and who can deliver babies, to denturists, who can clean teeth, to—there's a whole list of them.

Ms Mordue: My understanding of the reason the act exists is to ensure that a process is in place to regulate and to prevent harm. So it would seem to me that if a

profession, regardless of whether they call themselves doctor or not, falls within the purview of the act, and if the regulations are in place to ensure that they conduct themselves in a way that prevents harm and mitigates risk, then it's entirely appropriate that they would participate in the delivery of service.

Mr Prue: Traditional Chinese medicine and acupuncture have been under consideration for a long time and nothing's been done. You said that you're not terribly aware of this branch of medicine. How would you make yourself aware?

Ms Mordue: I don't think I'd go; I think I'd read. In the case of HPRAC, I understand there's been a detailed consultation process where not only those who deliver the services but others who are involved as stakeholders in having that service have appeared before the council and stated their case, and the council has considered it and had extensive research done.

I understand your question. I don't know how I'd determine that. I don't discount it as something that's valuable; I just haven't heard the testimony so I don't have any opinion one way or the other.

Mr Prue: One of the key areas on which no direction has been taken by this agency so far is the funding for therapy and counselling for patients sexually abused by health professionals, something that I think you're going to have to act on. Can you tell us where you want to take this, what your own views are on this?

Ms Mordue: The obvious view is that anything that can be done, again, to mitigate risk and prevent harm is the appropriate thing to do. I apologize for sounding repetitive with my answer, but until I have had an opportunity to hear and see everything and know all the points of view out there, my only opinion going in is that, again, whatever can be done to prevent harm is the right thing to do.

Mr Prue: I think those would be my questions.

The Chair: To the government?

Mr Parsons: It's evident to us that you will bring a very useful and helpful consumer's perspective to this if the appointment is made. On behalf of my colleagues, I would like to thank you for putting your name forward.

Ms Mordue: Thank you.

The Chair: That was easy enough. Mr Berardinetti, you look like you've got a good question.

Mr Berardinetti: I agree with those comments.

The Chair: Great. Very good.

Thank you very much, Ms Mordue, for your time. As I think you heard, we do concurrence at the conclusion of our intended appointees, so probably in about an hour's time or so. Thank you very much for your time and your presentation.

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TOBY VIGOD

Review of intended appointment, selected by official opposition party: Toby Vigod as vice-chair, Environmental Review Tribunal.

The Chair: Our next intended appointee is Toby Vigod. Ms Vigod, welcome to our committee. Ms Vigod is an intended appointee to the Environmental Review Tribunal. She counts Toronto as—sorry, Ottawa as home. I was reading ahead.

Ms Toby Vigod: No, Toronto now.

The Chair: Where am I reading about this? OK. You've moved.

Ms Vigod: That's right.

The Chair: You've got to go slow with the Chair here. You've moved from Ottawa to Toronto.

Ms Vigod: I moved two months ago.

The Chair: Welcome to our committee. I think you've been in attendance for a while. You're welcome to make some opening comments about yourself, your qualifications and the review tribunal, and then we'll do a rotation of questions, beginning with the third party. So, Ms Vigod, the floor is yours.

Ms Vigod: Thank you, Mr Chair, and I will make an opening statement.

Thank you very much for the opportunity to appear before the committee as an intended appointee for a vice-chair position on the Environmental Review Tribunal. I'm confident that with my skills, knowledge and expertise, I can make a real contribution to the work of the tribunal. What I'll do is very briefly elaborate on my background as set out in the curriculum vitae, which you have a copy of.

I have over 25 years of experience and achievement in environmental law and policy from a wide range of perspectives. These include environmental lawyer, commissioner, advocate, lecturer, policy-maker, senior public servant in both provincial and federal governments, author and, perhaps most importantly for this position, former chair of two tribunals in British Columbia: the Environmental Appeal Board and the Forest Appeals Commission.

After being called to the bar in 1980, I was counsel and executive director at the Canadian Environmental Law Association until 1991, where I represented clients, as well as engaging in law reform work with all levels of government.

During this period, from 1986 to 1993, I also lectured in environmental protection law at a number of law schools across the province and the Queen's school of public administration. I was a member of the Ontario Round Table on Environment and Economy from 1988 to 1992 and served on various law reform committees of both the federal and Ontario governments.

From 1991 to 1993, I was a commissioner on the Commission on Planning and Development Reform in Ontario, which undertook a review of the planning processes in Ontario. We met with thousands of Ontarians, and there was a real effort to seek common ground on the recommendations brought forward.

In 1994, I moved to Victoria to take up a position as assistant deputy minister at the Ministry of the Environment, Lands and Parks. There was a new department of policy planning and legislation, which I headed and led

policy development in a number of key government priorities, including clean air and water and land use. Of relevance to the work of the Environmental Review Tribunal, I was involved in the implementation of British Columbia's Environmental Assessment Act and had an environmental assessment branch in my department.

In 1996, I became the first full-time chair of the Environmental Appeal Board and Forest Appeals Commission which had been created under the new Forest Practices Code of British Columbia Act. There were approximately 18 members on each tribunal, consisting of lawyers, engineers, former forest company executives and others.

I was responsible for reviewing all decisions, ensuring training and preparing annual reports to the BC Legislature. I also authored over 150 decisions and chaired over 70 hearings involving complex administrative and aboriginal law issues, in addition to environmental and forestry issues. The statutes under which these appeals took place were very similar to ones that guide the work of the Environmental Review Tribunal here.

My tribunal experience demonstrates a strong commitment to the provision of fair, unbiased hearings and well-written, reasoned decisions based on the evidence before the tribunal.

Most recently, at the federal climate change secretariat, I had responsibility for federal-provincial-territorial relations and chaired a number of cross-country stakeholder sessions, organized nine ministers' meetings over the course of two years and managed the development and negotiations of memoranda of understanding on climate change between a number of provincial and territorial jurisdictions, including Ontario and the federal government.

As a final point—and I believe it's a real asset that I can bring to this appointment—I have not appeared before the Environmental Review Tribunal and have taken no public positions on Ontario environmental legislation or policy in over the decade that I was living in Victoria and Ottawa, yet my extensive tribunal work, knowledge of administrative law and understanding of complex environmental statutes and experience in government means I can quickly step up to the plate and become a strong, fair and well-informed adjudicator on the Environmental Review Tribunal.

Those are my remarks and I'm open for questions.

The Chair: Very good. Thanks, Ms Vigod, for the presentation. I go now to the NDP.

Mr Prue: This is a most impressive resumé. This was the selection of the official opposition. I have no idea what questions they could possibly ask you with a resumé like this, so I'm going to pre-empt it.

Do you belong to some political party? I think that's what they're going to ask you.

Ms Vigod: No, I don't, and I never have, given the nature of my positions over the number of years.

Mr Prue: OK. Having asked that, this is a position that you seem to be made for. The workload appears to be kind of high. We have background information here.

There are some 244 cases by category outstanding at the tribunal. I assume you intend to work at this full-time. That's what the job advertises. It's a full-time position.

Ms Vigod: Yes, I do.

Mr Prue: You've told us why you can do it, and I have no reason to doubt you. Can you tell us of any impediments or anything—

Ms Vigod: No.

Mr Prue: We might as well be upfront, I guess, but I can't think of them.

Ms Vigod: It's a challenging position and I'm very interested in getting back into a more environmental-legal forum, as the last four years were a lot of meetings. So I'm very glad to be back into a more legal frame.

Mr Prue: I can say from your resumé and from your discussion today, you appear to move a lot, including a recent move from Ottawa to Toronto. I would take it, since the time of your application to today, you've moved from Ottawa to Toronto?

Ms Vigod: Actually, I had put in an application to the appointments secretariat last November. I was finishing an executive interchange with the federal government that I knew was up in July. So when I was looking for a position, obviously this was a good match. I moved to Toronto for a number of personal reasons as well, and then the timing turned out to be propitious and I'm here. But we did intend to move to Toronto.

Mr Prue: OK, and you're here to stay if you get this job?

Ms Vigod: Yes, I'm here to stay. I'm from Toronto. I'm Torontonian for most of my life. We're here to stay.

Mr Prue: I can't think of anything else, Mr Chair.

The Chair: Thank you, Mr Prue. I was going to caution you about badgering the intended appointee. I find that appropriate in the circumstance.

To the government, any questions, Mr Parsons?

Mr Parsons: I don't think I could come up with a question that wouldn't embarrass me, with these qualifications. I'm somewhat in awe of your background. So thank you. All we can say is thank you.

Ms Vigod: Thank you very much.

The Chair: To the official opposition, Mr Tascona.

Mr Tascona: Thanks for coming here today. I want to ask you some questions about the independence of the ERT.

“Some observers argue that the ERT is less independent than our other quasi-judicial bodies. The Minister of the Environment may overturn an ERT decision, potentially re-politicizing what is supposed to be an independent tribunal decision. Directors and ministers also decide which cases are to be referred, issue directives to the tribunal at the time of referral, impose deadlines, and can appear as a party at any hearing. Thus, the authority of the tribunal may be undermined, raising the question of its ultimate purpose. Lastly, while the ERT has the statutory power to retain experts, there is no funding available for this purpose. Some have argued that this detracts from public participation and weakens the

tribunal's ability to assess evidence as objectively as possible."

Does the witness have an opinion on the appropriate role and function of the ERT?

Ms Vigod: First of all, I think it's very important that all quasi-judicial tribunals be independent. Certainly the two tribunals I chaired were that way in BC. My understanding is the ERT again is an independent tribunal. The most important thing is that decisions be based on the evidence before the members. That's the key consideration.

On the issue of being overturned by the Legislature or cabinet, one never likes to be overturned on one's ruling, but that is the way the legislation reads. I think that's an issue for the Legislature to debate as to whether there is an appeal or not, but it's something we've lived with.

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In British Columbia, it was a bit of a different situation. They abolished appeals to cabinet, but cabinet did have a right to review or vary a decision of the board, which they rarely did.

So I think independence is a hallmark and I think the ERT operates as an independent tribunal.

Mr Tascona: What about funding, in terms of you being able to serve the public purpose?

Ms Vigod: First of all, I think it's important that the tribunal have expert members on it—for example, a mix of lawyers, engineers, whatever. My experience is, there's such a range of issues before tribunals that it would be very difficult to pick one expert who could often assist you, so you're really best weighing the evidence that you hear before you, brought by the experts to the parties. So it's a power that's there. I believe we had it in British Columbia, but it was one that was not used.

Mr Tascona: Yes.

I notice you also applied for the Ontario Municipal Board.

Ms Vigod: It seemed to me that those would be the two best fits, given my environmental and my planning background. But I'm certain the Environmental Review Tribunal is more on all fours with my background.

Mr Tascona: One of the upcoming hearings of the tribunal is scheduled for December 2, 2004. It is an appeal of a matter that was originally filed on October 21, 2002. Do you believe that this is an appropriate amount of time for people to wait to have their appeals heard?

Ms Vigod: I think it's very important to get appeals on as quickly as possible, but without knowing the details of the case before the tribunal—in my experience, there are often motions, matters dealing with stays, adjournments, all sorts of procedures that could delay the start of the hearing after the matter is filed. So without knowing the factual situation, it's hard to say whether it is an inordinate delay or whether there were circumstances that led to that date being set.

Mr Tascona: That's a fair comment, but in terms of the rules of practice for the Environmental Review Tribunal—are you familiar with those?

Ms Vigod: I've certainly begun my detailed look at them. I believe there are definitely some time limits for issuing decisions, which I believe the board has been very faithful to, and they're quite tight timelines. From what I've seen of the process, hearings do get done in a timely fashion and decisions are issued in a timely manner.

Mr Tascona: There's another matter that deals with Bill 133 on October 27. The Minister of the Environment introduced Bill 133, the Environmental Enforcement Statute Law Amendment Act. The proposed legislation will increase environmental penalties to \$20,000 per day for an individual and \$100,000 per day for corporations. The penalty, as appealed to the ERT—the bill puts the onus on the person or corporation against whom the order was made to disprove the charge. In other words, it's a reverse onus provision. Furthermore, the bill proposes that the ERT no longer have the right to stay orders to monitor or report activities.

Do you have an opinion on how Bill 133's provision to place the onus on individuals or corporations to disprove the charges laid by the ministry can be implemented at the ERT? I looked at your background, and you've got quite an extensive legal background. I'd be interested in what you think of reverse onus provisions.

Ms Vigod: As a member who might hear that very issue before the tribunal, I can't really comment on that. The only thing I can say is that I have had experience with administrative penalty regimes under the Forest Practices Code in British Columbia. So I'm familiar with the issues. First of all, this is only in bill form, and we don't know where it's going to go in terms of final legislation, and I would imagine those kinds of legal issues would be the very ones that would come before me, so I won't comment.

Mr Tascona: They're not in front of you right now.

Ms Vigod: I know, but I certainly would feel—as I say, this is only in bill form. Also, without studying the legislation in some detail, to comment on what the—

Mr Tascona: Do you have an opinion on reverse onus provisions, as a fairness issue? You've been involved in these before, especially in the environmental area.

Ms Vigod: First of all, usually the onus is on an appellant in a case. Again, it seems to me it's a bit unclear and I think we need more thought on how this would work. I guess what's meant by "reverse onus" is a tricky issue as well, so I don't really have any particular views on it at this point.

Mr Tascona: Your background is as an environmental advocate. How do you think that impacts you as a chair, in terms of objectivity?

Ms Vigod: As I said, I've had many roles, one being an environmental advocate. For the past 10 years, I've been in government. I worked both as assistant deputy minister and, most recently, in the climate change secretariat, I've worked with interests of industry, environmental, non-governmental and all interests. So I think I have a very open perspective and I'm used to dealing with all sorts of arguments from a number of interests in

making decisions at all those levels. I think I have a very broad perspective. I've dealt with all stakeholders on a number of environmental issues.

Mr Tascona: Have you ever been or are you currently a member of the federal or provincial Liberal Party?

Ms Vigod: No, I'm not a member of any political party.

Mr Tascona: Have you ever donated to any of those parties, federal or provincial Liberals?

Ms Vigod: No, I haven't.

Mr Tascona: Those are all the questions I have.

Ms Scott: Thank you very much for appearing here today, and for your background. Are you aware of how much this position pays?

Ms Vigod: I believe that it's something in the mid-80s, but my understanding is that it is under review.

Ms Scott: If it is in the mid-80s right now, are you content to serve out the entire term at that rate of pay?

Ms Vigod: Well, one's always hopeful. My understanding is, these salaries have been frozen for quite a long time. But certainly, at this point, I'm committed to a three-year term.

Ms Scott: So you're committed to a three-year term in the mid-80s, if that's the way it goes, because you're often going to know the result.

Ms Vigod: Certainly, at this point in time.

Ms Scott: Good. Thank you for appearing here today. That's all the questions.

The Chair: Thank you very much, Ms Vigod, for the presentation. We have one more intended appointee and then we will move to concurrence shortly thereafter.

I should point out for the record, too—I think members are well aware—Ms Vigod is an intended appointee not only as member but as vice-chair, which I neglected to say at the beginning. I think members would know that from the agenda that has been circulated to the members' offices. So my apologies in that respect.

SHAMSUL ISLAM

Review of intended appointment, selected by third party: Shamsul Islam, intended appointee as member, Council of the College of Nurses of Ontario.

The Chair: Our fourth intended appointee, Shamsul Islam, has joined us. Welcome, sir. Mr Islam has joined us from Markham, Ontario. He is an attended appointee as a member of the Council of the College of Nurses of Ontario.

Mr Islam, I'm not sure if you were here for the other appointees. You're welcome to make a brief presentation about yourself, your background and the position for which you have been nominated. Then we will begin a rotation with the government members, divided up equally, if they have any questions for you. Mr Islam, the floor is yours.

Mr Shamsul Islam: Thank you very much. Good morning to all of you. Good morning, Mr Chairman and respectable members of the committee. It's a great pleasure for me to appear before you today. I do appreciate the

opportunity to indulge the committee with a few words, primarily about my background.

I was born and raised in Bangladesh, a small country of vast population. I have a family of four members: my two school-going children, my wife and me.

I finished my Master of Commerce in accounting from the University of Dhaka, Bangladesh. I started my professional career as a teacher in a community college. I've been engaged almost my whole life in social work in the interest of the public. In fact, I've been engaged in social activities since my boyhood.

I worked as a member of the district council—similar to a province in Canada—a city ward councillor, a member of the city improvement trust committee, and a member of the governing body of a community college, and improved interpersonal skills and acquired vast practical knowledge and experience by resolving problems of complex issues in society and the country as well, both in government and the private sector.

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I came to Canada approximately 10 years ago. I started by living in Montreal for the first two years and then I moved to Toronto. I started living in Regent Park in Toronto, a multicultural community. I engaged myself in community works. I became a member of the parent council of the Sprucecourt Junior Public School. I volunteered my time as the chair of the education and employment committee of the Regent Park resident council. During that time I became familiar to local MPP George Smitherman, city councillor Pam McConnell and MP Bill Graham. They also came forward to work with the community in order to revitalize Regent Park. In recognition of my community work, the CEO of the Metro Toronto Housing Corp awarded me a certificate of appreciation.

I feel very honoured to be a member of the Council of the College of Nurses of Ontario. I believe that nurses play a very important role in the health care development of a country if the standard of the nursing profession is properly maintained. I do believe health is wealth. It is the source of all happiness of an individual, of a family, of a country and of the world. The Council of the College of Nurses of Ontario is the key to prepare nurses to become the leaders in their profession.

I do hope that I will be able to utilize my practical knowledge and experience to perform my tasks as a member in order to achieve the objectives of the Council of the College of Nurses of Ontario.

I would be more than happy to answer any of your questions and concerns. Thank you very much.

The Chair: Thank you very much, Mr Islam, for the presentation. We'll begin the rotation with the government members.

Mr Parsons: One of the strengths of our democracy is individuals willing to come forward and contribute time in a very busy life. It would appear that you have a very busy life, so on behalf of my colleagues I would like to thank you.

Mr Islam: Thank you, sir.

The Chair: To the official opposition.

Mr Tascona: I understand that you know Mr George Smitherman, the health minister.

Mr Islam: Through my community work, I came across him.

Mr Tascona: You were working with the Regent Park resident council?

Mr Islam: Yes.

Mr Tascona: You lived in that area at the time?

Mr Islam: Yes.

Mr Tascona: Are you a member or have you been a member of the provincial Liberal Party?

Mr Islam: Yes. I'm a member of the provincial as well as a member of the federal Liberal Party.

Mr Tascona: Have you contributed financially to the provincial Liberal Party?

Mr Islam: Just as a member. What is the [inaudible].

Mr Tascona: What period of time was your work with the Regent Park resident council? I didn't gather it from your resumé.

Mr Islam: It was from 2002 to 2003.

Mr Tascona: OK. Those are all the questions.

Ms Scott: Thank you very much for appearing before us here today.

On your application, you didn't fill in which board you wanted to apply for: "Name the agency, board or commission to which you are applying." Was there a reason for that? Is there a particular interest with that board?

Mr Islam: In fact, I expressed my interest to one of the staff of the ministry, Mr Todd Ross—I think he has now moved to some other place—to work for the community. I submitted my resumé accordingly, and in the course of time, Ms Cathy Kerr telephoned me: "Are you interested in working on the Council of the College of Nurses of Ontario?" I gave my consent: "Yes, I am interested." I have experience regarding health and education. This type of organization I also worked in back home, not here. But the common things everywhere are the same. Then I gave my consent.

Ms Scott: I'm sorry. Was it someone in the ministry who contacted you?

Mr Islam: Ms Cathy Kerr.

Ms Scott: What is her title? What is her job?

Mr Islam: One of the staff.

Ms Scott: At the Ministry of Health and Long-Term Care?

Mr Islam: Yes. I think it's the public appointments, or something like that.

Ms Scott: So they contacted you. Did they put you through an interview process?

Mr Islam: Yes.

Ms Scott: I'm a nurse in one of my other lives that I have, so I'm very interested in your appointment to today's board. Do you know much about the council of nurses?

Mr Islam: Yes. My understanding is that the council is the governing body of the college to administer the profession of nurses to reach their professional—to keep

their professional standards in the interests of the country, as well as to improve the quality of health care.

Ms Scott: Recently—I don't know if you've been following—the government has told the hospitals they have to have their balanced budgets in. In a lot of hospitals, that's going to mean laying off nurses. We tried to get a motion passed that they would not close any hospital beds or lay off nurses. They had promised to hire 8,000 nurses. Do you think this is going to be feasible? Do you see nurses being laid off? In reality, do you see that more nurses are going to be hired? I know you're in an urban area and I'm predominantly a rural area.

Mr Islam: So far, I think there is a complex relation in the community and society. I think we have to try to find out which one is more effective. There is always the question that some nurses are going to be laid off and some nurses are going to be hired, but sometimes it depends, case by case. That means in whose area how many nurses there are and in whose hospital. I believe that any policies taken or introduced, in that case, the College of Nurses of Ontario also has some ideas and views. As a citizen of the country, I have also some ideas and views. So I have to go through this particular issue in detail, then I'll be able to pass comment about these things.

Ms Scott: Just to add that certainly fewer nurses at the bedside increases patient mortality—just to keep that in mind. I don't know about your experiences in another country, but it's very important to keep the front-line workers there—

Mr Islam: Even back home, I also saw in some particular issue, the employment, sometimes it is layoffs and next it is hiring. It depends on the situation why it has actually happened. If better nurses can be hired, or if it is in fact sometimes the policies taken—but it is not guaranteed that that policy must be implemented. Sometimes it is reviewed, sometimes the amendment is taken of any policy of the government. So in that case, some nurses are going to be laid off and some nurses are going to be hired. If it is effective for the community, if it is effective for the health care system, I think that can be done. It's not a Holy Koran or Bible, so that if I introduce a policy, it must be implemented. It might be reviewed. There might be amendments made to the policy and how it would be implemented.

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Ms Scott: I guess the jury's out. We're going to be seeing shortly how many nurses are going to be laid off, and the College of Nurses will be speaking to that, I hope.

We just introduced in 2000 the regulation providing that all Ontario registered nurses have a four-year baccalaureate degree. Are you familiar with that?

Mr Islam: Yes. I came to know through reading and also I came to know through my community work. In fact—

Ms Scott: How do you feel about that?

Mr Islam: —in comparison to the advancement of science and technology, if nurses have an upgraded education, I think it is required to some extent. If the

objective is to improve the health care system, then I think it's OK. If they take more higher education to improve their knowledge and skills, it is also good for them. They will also feel more comfortable to advance themselves with new advancements in science and technology and tools and to make appropriate decisions in time of need. I think it's also good for nurses because they will work in the future too. So it might be that, after five or 10 years, there will be more requirements. So if they are prepared today, it's better for them too.

Ms Scott: Are you familiar with the role of nurse practitioners and the nurse practitioners' involvement in communities?

Mr Islam: Practical nurses?

Ms Scott: Not registered practical nurses, but nurse practitioners. They can work independent of doctors in some regards and are utilized predominantly in a rural community where there's not enough family doctors. So nurse practitioners are going to be—

Mr Islam: Yes, I heard about that.

Ms Scott: So you don't know a lot of details about that.

I'm sorry. I guess I've run out of time. I can't ask any further questions, so thank you for appearing here.

The Chair: To the third party.

Ms Horwath: Welcome this morning. I apologize for missing the beginning parts of your interview process, including your opening remarks.

I have looked through your resumé and I just wanted to ask—and if I'm repeating a previous question, I apologize for that—what was it again that motivated you to apply for this position, and what do you see as your particular skills and abilities that you bring to this position on the Council of the College of Nurses of Ontario?

Mr Islam: In fact, I've got practical knowledge and experience regarding a variety of organizations and a variety of boards. I've worked as a member—not here, but back home—a long time. I believe that if you have knowledge and skills, you can utilize it in time of need for the interests of the community. I always enjoy watching out for the community, especially the College of Nurses. I think the health department in Canada is a very important issue. Everybody needs to improve their health and the College of Nurses plays a very important role in this regard.

I also have experience with the health organization back home. We did a lot of development in the villages, in the cities, because it's a country of vast population, on how to improve the health of the people through many projects and programs. Even here in Canada, I know that I will be able to propose some of my ideas, goals and experience, as well as getting ideas from all sides. By amalgamating all of these things I will be able to give some—

Ms Horwath: Can you expand on that? Are there any specific ideas, specific goals that you have, that you've thought of? Considering the likelihood that you will be appointed, do you have a list of things you would like to bring forward in your new role?

Mr Islam: Yes. I know, for example, that this is a country of multicultural communities. Toronto is absolutely a multicultural society. Every day we are receiving more people from outside. They also become professionals in the course of time. Gradually these are growing and growing, and their number is increasing day by day in the medical profession.

But that's my idea. I don't know whether it will be effective or not because, as a member, I will be able to give my ideas and views because I'm always working with the community. Sometimes community people think they should have some involvement, even if it is not proportionately, in the employment of the nursing profession because they are always directly dealing with the public. It's a question of language, a question of culture, because if a person who is from a different culture became a patient, he or she sometimes does not feel comfortable to give his or her ideas or to disclose to a nurse who is not even familiar with their culture. But it is also very hard to get everybody from every culture, so if we try to educate them in at least other than our basic language, other than our basic culture, sometimes the system will work better.

Ms Horwath: OK. I understand what you're trying to indicate in terms of where you'd like to see some of your own experiences addressed at the college. Can I ask you then, do you know the position the college took on Bill 110 that the government introduced in terms of the reporting of gunshot wounds? Are you aware of what position the Ontario College of Nurses took on that issue?

Mr Islam: Excuse me? I didn't actually follow the question.

Ms Horwath: Oh, sorry. Bill 110 was introduced by the government. This is the bill that requires the reporting of gunshot wounds by health professionals in Ontario. The college particularly indicated that they do not support that legislation. Do you know anything about the legislation, why the college might have taken that position and do you agree? Can you speak to that issue for me, please?

Mr Islam: In fact, I'm not familiar with the laws and bylaws and some official regulations. I think that, through orientation courses and going through books and readings, I'll be able to acquire knowledge of those issues. At present, I cannot pass any comment at all.

Ms Horwath: How long ago did you put your application in for this particular position?

Mr Islam: Approximately two and a half months ago.

Ms Horwath: Did you understand that the process may lead to the possibility of having an interview before this group?

Mr Islam: Yes, that was communicated to me, that I still have to appear for the interview board to review my appointment.

Ms Horwath: So in preparing for that eventuality, did you spend any time reviewing what you might be expected to know about or understand as somebody who

was seeking this position? What kind of preparation did you do?

Mr Islam: Normally, I work with the community always, for about the last eight years, yet I'm always involved in community works—

Ms Horwath: I mean specific to this position, specific to the Council of the College of Nurses of Ontario.

Mr Islam: No. I did not do any advanced preparation. Whatever I know normally as a citizen of the country—I was just communicated the process, what was to be done and how to appear, when to appear. All these things I was communicated.

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Ms Horwath: OK. No further questions, Mr Chairman.

The Chair: Mr Islam, thank you very much for your presentation and responses to members' questions. The next part of our session we'll be going through, beginning with Mr Stork, and then you'll be the last of those to go through the vote for concurrence. So thank you, sir, for joining us. You're welcome to stay and see the next part of the show.

Mr Islam: Thank you very much.

The Chair: Very good, folks. That concludes our interviews of intended appointees. We'll now move on to concurrence.

We will now consider the intended appointment of Rodney D. Stork, intended appointee as member and chair of the Agriculture, Food and Rural Affairs Appeal Tribunal and Board of Negotiation.

Mr Parsons: I would move concurrence.

The Chair: Mr Parsons moves concurrence. Any discussion about Mr Stork?

Mr Tascona: I second.

The Chair: Mr Tascona seconds that, which is very generous. Any other comments or discussion with respect to Mr Stork?

All in favour of Mr Stork's appointment as outlined? Any opposed to Mr Stork? Seeing none, the motion is carried.

Congratulations to Mr Stork, who is no doubt glued to his television watching the proceedings as we speak.

We will now consider the intended appointment of Mary Mordue, intended appointee as member of the Health Professions Regulatory Advisory Council. Concurrence is moved by?

Mr Parsons: I would move concurrence.

The Chair: Concurrence in this appointment has been moved by Mr Parsons. Is there any discussion of—

Mr Tascona: I second.

The Chair: Noted. Any thirds? Any comments on Ms Mordue's intended appointment?

Members in favour of Ms Mordue's appointment? Any opposed? It is carried.

Ms Mordue, congratulations, and enjoy your time on HPRAC.

We will consider the intended appointment of Toby E. Vigod, intended appointee as member and vice-chair of

the Environmental Review Tribunal. Concurrence is moved by—

Mr Parsons: I move concurrence.

The Chair: Mr Parsons. Is there any discussion about Ms Vigod's intended appointment?

Seeing no discussion, any—

Ms Monique M. Smith (Nipissing): What happened to the seconding, Joe? Come on.

Mr Tascona: I'd like to second that motion, Mr Chairman.

The Chair: Fine. So noted. Other discussion?

All in favour of Ms Vigod's appointment? Any opposed? Very good. The motion is carried.

Ms Vigod, congratulations, and all the best on the Environmental Review Tribunal.

Fourth, we will now consider the intended appointment of Shamsul Islam, intended appointee as member, Council of the College of Nurses of Ontario.

Mr Parsons: I move concurrence.

The Chair: Concurrence in the appointment is moved by Mr Parsons. Any discussion on the intended appointment?

Ms Horwath: Mr Chairman, again I apologize for not being here for the entire interview. I have a little bit of concern. I want to say, first of all, that I really respect this applicant's desire to participate and to find a way to make sure that we have committees and councils that are reflective of our community. That's extremely laudable.

I have some serious concerns, however, that even within the last couple of months after the application was put in, there doesn't appear to have been any serious attempts to learn more about the position for which he was applying, to gain some understanding and knowledge of what that role might be. That seemed to me very clearly reflected as a result of the questioning. Unfortunately, I'm not going to be able to support this member's appointment.

The Chair: Thank you, Ms Horwath. Further debate?

Ms Scott: I agree with Ms Horwath. I appreciate Mr Islam coming today and his community service, but I don't feel that he's qualified enough to sit on the Council of the College of Nurses of Ontario. So I will oppose his appointment.

The Chair: Thank you, Ms Scott. Any other comments from committee members?

Seeing no other comments—

Mr Tascona: Recorded vote.

The Chair: It will be a recorded vote.

Ayes

Berardinetti, Lalonde, Oraziotti, Parsons, Smith.

Nays

Horwath, Scott, Tascona.

The Chair: The vote is five to three. The motion is carried.

Congratulations, Mr Islam, on your appointment to the Council of the College of Nurses of Ontario.

Folks, that concludes our formal business. Let me say with respect to next week's meeting that Mr Tascona has indicated he would like to pursue debate on the issue discussed earlier today.

My suggestion, the way I'm going to set up the agenda, is to begin at the regular time with our intended

appointments. We have only three appointments scheduled for next week. That means that at 11:30, at the latest, hopefully, we could begin debate on Mr Tascona's item. OK? I think we should do the appointments first, get them done with, and that will leave the debate open from that point on.

Any other business? Thank you very much, folks. The meeting is adjourned.

The committee adjourned at 1145.

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