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

**Wednesday 16 November 2005**

## **Journal des débats (Hansard)**

**Mercredi 16 novembre 2005**

**Standing committee on  
government agencies**

Intended appointments

**Comité permanent des  
organismes gouvernementaux**

Nominations prévues

Chair: Tim Hudak  
Clerk: Susan Sourial

Président : Tim Hudak  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES  
ORGANISMES GOUVERNEMENTAUX

Wednesday 16 November 2005

Mercredi 16 novembre 2005

*The committee met at 1005 in room 151.*

## SUBCOMMITTEE REPORTS

**The Vice-Chair (Ms. Andrea Horwath):** Good morning, members. We're going to start the committee meeting, since we do have quorum and it is past the allotted time. Our Chair is going to be joining us hopefully within about 10 or 15 minutes, so at that time I'll relinquish the chair to him when he arrives.

The first order of business is the report of the subcommittee on committee business, dated Thursday, November 3, 2005. Can I have a member move its adoption, please?

**Ms. Monique M. Smith (Nipissing):** I move the adoption.

**The Vice-Chair:** Moved by Ms. Smith. Is there any discussion? No? All those in favour? Any opposed? That motion is carried. Thanks very much.

Our next order of business is the report of the subcommittee on committee business dated Thursday, November 10, 2005. Again, could I have a member move its adoption?

**Ms. Smith:** I move adoption.

**The Vice-Chair:** Ms. Smith has moved adoption. Is there any discussion? Seeing none, all those in favour? Any opposed? That motion also carries.

Our next order on the agenda is other business but, as is the tradition of the committee, we'll save any other business to the end of the appointments review process, if that's all right.

## INTENDED APPOINTMENTS

## JENNIFER BABE

Review of intended appointment, selected by official opposition party: Jennifer Babe, intended appointee as member, GO Transit board of directors.

**The Vice-Chair:** We will go into the first interview, which is with Jennifer Babe, intended appointee as a member of the GO Transit board of directors. Ms. Babe, please come forward. Welcome. Good morning.

**Ms. Jennifer Babe:** Good morning.

**The Vice-Chair:** I'm going to explain the process to you and then we'll move on from there. As you might be aware, you have an initial opportunity, if you choose to do so, to make some comments and tell us why you're

interested in this position and what brings you here. Subsequent to your initial statement, on a rotational basis, the members will be asking questions of you. Your initial statement will be deducted from the government's side, in terms of the time that's allotted to each party for questions, and that time frame is 10 minutes each. The first to be asking questions at the end of your initial statement will be me, which is kind of awkward, but we'll get to that at the time.

In the meanwhile, welcome. The floor is yours.

**Ms. Babe:** Thank you, Madam Chair. Good morning. I am pleased to be here today. After I make this opening statement, I look forward to the committee's questions regarding my proposed appointment to the board of GO Transit. To start, let me explain why I'm interested in working with the board of GO Transit as a citizen member.

To any resident of the GTA, it is self-evident that safe, efficient, public transportation is critical to maintaining and improving the quality of life in the Golden Horseshoe and surrounding municipalities. For many, affordable housing means commuting from home to job and, for students, commuting from home to their educational facilities. As a partner in a firm with offices in Guelph, Kitchener, Markham and Toronto, I know first-hand that the members of our firm travel extended distances to work and need integrated public transportation systems to earn a living and care for their families. Efficient public transportation is a key infrastructure component of a strong Ontario economy.

One need not live here long before understanding gridlock. My perception is that traffic is getting worse. Growing density inside and outside of this city is increasing our need for integrated public transportation systems to take pressure off of our limited number of roadways and to facilitate business and family life.

One need not live here long before becoming concerned about our air quality. We see the colour of the air from our office windows and when landing at Pearson. Public transportation is clearly one important element in preserving our collective respiratory health, as well as our environment. I want to live in a healthy community.

I can bring to the board of GO Transit my experience from over 20 years of private practice of corporate commercial law. In my practice, I advise vendors, lenders and lessors on the secured placement of capital equipment and I advise business clients on their expansion and acquisition contracts. I think my experience would be a

valuable contribution to the deliberations of the board of GO Transit, a business with growth plans. In addition, my experience as a corporate lawyer affords me a sound understanding of the fiduciary duties applicable to board members and good corporate governance.

In addition, I have experience in working with various federal and provincial government ministries from my work on law reform projects for the Canadian and Ontario bar associations, and from serving as chair of the commercial law strategy of the Uniform Law Conference of Canada for the past two years.

Let me conclude by stating that efficient, integrated public transportation is a key issue in the GTA and environs. GO Transit is a critical component to ensuring that we can all work, study and enjoy a healthy quality of life. I am keen to contribute to GO Transit and its future, and think that my work experience will allow me to be a valuable member of its board. Thank you.

1010

**The Vice-Chair:** Thank you, Ms. Babe. I'm going to ask the committee if it would be agreeable for me to begin questions from the perspective of the third party by not actually having to get up and move over to the other side of the table. If that's all right, then I'll turn the Chair over to Ms. Scott.

**Ms. Andrea Horwath (Hamilton East):** Can I start asking questions?

**The Acting Chair (Ms. Laurie Scott):** Yes, please.

**Ms. Horwath:** I just have a few questions. I went through your resumé and you have some very interesting experience, and that's certainly positive. I just wanted to ask you some questions generally about the GO Transit service. Do you currently use the service yourself?

**Ms. Babe:** No, I reside at Yonge and Summerhill, so I use the TTC.

**Ms. Horwath:** But you do use public transit.

**Ms. Babe:** I do.

**Ms. Horwath:** OK. You are probably aware of some of the challenges that the GO Transit system has faced with regard to determining capital expansion needs and where to expand service further west and east. Could you comment on your understanding of those challenges?

**Ms. Babe:** We have to expand and we have to make those other communities lying further west and east accessible for people to work and travel to downtown Toronto. As an employer, I know that I have people in my office who are travelling from well west of Hamilton to come down every day, and we need those people to be able to come here and work with us. So I am looking forward to being fully briefed, if I become a member of the board, as to the challenges in getting greater access, because I realize that people are travelling huge distances to get to work.

**Ms. Horwath:** If you were looking at the available funds and the demand in various communities, how would you go about deciding which communities need to get transit first? How would you prioritize the communities that would be next serviced by GO Transit?

**Ms. Babe:** I don't know yet, not having been fully briefed, but my initial thought is by percentage of population. Where are the most bedroom-type communities that could best be served and how do we get better access to them on a population basis.

**Ms. Horwath:** You might be aware that there has been an initiative to consolidate the transit systems so there's a one-pass system. For example, in communities like the one I'm from, Hamilton, and other communities, like Burlington, you'd be able to buy one pass that could be used on your local transit as well as on GO. Do you know anything about that initiative and can you tell me what—

**Ms. Babe:** I've read a little bit about it from both the Web site and the materials I've been provided to date. I think it's a very positive initiative to encourage people, for convenience and economy, to have a one-fare system.

**Ms. Horwath:** Are you aware of what the effect will be on the revenues of the transit system?

**Ms. Babe:** Not yet. I need to be briefed on that.

**Ms. Horwath:** Are you aware that there's some concern about the possible loss of discounted fares for people like senior citizens, for example?

**Ms. Babe:** That was in the materials provided, that there would be a possible \$2-million loss. I'm aware of it, but I don't know enough about it at this time to be able to tell you a good opinion about it.

**Ms. Horwath:** There's been some discussion about the possibility—in fact, a private member's bill was introduced—of introducing tax credits for people who use transit. Are you aware of that initiative and can you tell me what your opinion is of that idea?

**Ms. Babe:** I did receive a flyer at my door at home, telling me that one of the parties was proposing a possible tax credit for my use of public transportation, and my first thought as a taxpayer was that I'm not sure how one allocates income taxes and other taxes, as opposed to tax credits, and what will be a good balancing of sources of revenue to be fair to people who really need to use public transport.

**Ms. Horwath:** You said that your most experience at this time is with the TTC. But what would you say would be some of the broader challenges that the greater Toronto area has with regard to transit overall?

**Ms. Babe:** Increasing the number of routes and the service to make it so easy and so affordable and to make sure more people are using an integrated transit system. There are 170,000 people a day riding the GO train system. We need more and we need to make it very simple, efficient and a choice for people to get on the GO system and use the integrated municipal bus systems to get to the GO trains and get home. A focus for me is, how can we increase usage?

**Ms. Horwath:** Are you aware of what the capital needs of the GO system are at this point?

**Ms. Babe:** I've read about the outline of the capital budget, both for this coming budget year and for the coming 10-year plan into 2014. The numbers are large, yes indeed. I understand, from the age of rolling stock,

maintenance of the facilities and the need for expansion of the facilities, the need for the capital budget.

**Ms. Horwath:** I don't have any other questions, so I'll say thank you very much.

**The Vice-Chair:** I'll take the chair back and now ask for Ms. Scott to take her 10 minutes of questioning.

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** Thank you for coming and appearing here today. Certainly, gridlock and expansion of GO Transit is a very large topic. You mentioned employees that come and work in your office. Have you had a lot of other experience? If you could expand a little bit on your reasoning for going on the GO Transit board: Why did you choose the GO Transit board?

**Ms. Babe:** I was actually called. I didn't apply; I was called.

**Ms. Scott:** Who were you called by?

**Ms. Babe:** I was called by a woman I know from in-house counsel, who was called by the ministry. The ministry was seeking candidates for this position. I had not thought of this position. I received the call, and I did become interested. It's certainly one of my issues personally to give back to the community and participate. I thought this would be a perfectly good way to contribute to the community that has served me well over the last 30 years.

**Ms. Scott:** I'm sorry, just to clarify: The in-house counsel was in your firm?

**Ms. Babe:** No, she's a client. She had been contacted by the ministry and was asked to give names of people that she worked with that she would recommend as good candidates. She was kind enough to put my name forward. Then I was called by the minister's office to see if I would be prepared to put my name forward. I was, and I applied. I was then interviewed by the minister, who discussed my qualifications and my résumé with me. I then had several telephone conversations with the present chair. After that, I was told that my name went forward to cabinet.

**Ms. Scott:** You were called by the Minister of Transportation?

**Ms. Babe:** I was.

**Ms. Scott:** Minister Takhar called you directly?

**Ms. Babe:** Yes, I met with him.

**Ms. Scott:** Have you been a member of the Liberal Party, provincially or federally?

**Ms. Babe:** No.

**Ms. Scott:** Have you ever donated to the Liberal Party.

**Ms. Babe:** My former family doctor is Carolyn Bennett. I write a cheque to Carolyn every year. It doesn't matter to me which party she belongs to. I support Carolyn as a great politician.

**Ms. Scott:** You were mentioning before about ridership and the number of people that commute every day. I live in the rural riding of Haliburton–Victoria–Brock, and some day I'd like to see GO Transit come to the southern part of the riding. But I think initially what's in the news and what we hear most is the pressure

coming from Barrie and the 400 series of highways. The stats are, for example: Every day, 31,000 commuters travel Highway 400 to come in to work, to get jobs in the GTA; drive-in rush hour period is 15 hours each way. I know personally people who come in from Barrie, and it's a three-hour trek, an hour and a half each way, when they come in. I just wondered, have you done some research on that? Do you feel that Barrie is a priority for the GO Transit board? Do you have any feedback about the Barrie area specifically and the expansion of GO Transit?

**Ms. Babe:** I understand from my general reading that both Barrie and Waterloo area are the two hottest-growing communities that we have in southern Ontario at this time. So obviously, it's going to be very important to be able to extend public transportation to them to afford means of access to Toronto for those communities.

**Ms. Scott:** Do you have any more comments about the broad direction you'd like to see for GO? I know that you haven't had your orientation to the board etc., but just from your knowledge, what do you see is a larger role that the GO Transit board could play? A lot of it's with respect to the details regarding the Greater Toronto Transit Authority and maybe the role that GO has with that authority.

**Ms. Babe:** The answer is, I don't know.

**Ms. Scott:** OK. What role should a Greater Toronto Transit Authority have in the whole long-term plan? Governments change, and expansions of highways and GO Transit seem to get caught in politics instead of the overall plan for growth in the area. Do you have any comments about what authority a Greater Toronto Transit Authority should have as governments change over? Should they be the stable force? What members should they be composed of?

**1020**

**Ms. Babe:** Ideally, it should be a stable force, because it is too important to allow it to have down time, so to speak, between elections, elections provincially and municipally. I can understand why the need would be for a continuing body that would be available.

I don't know how it's going to work between provincial, federal and municipal money, and I know that's of huge import behind that, and how it would have to be structured. I'm looking forward to being briefed on it.

**Ms. Scott:** There's no question there needs to be some form of leadership which incorporates all three levels of government and planning, so I hope the present government could bring that more into fruition, the Greater Toronto Transit Authority, so their plans could be moved forward on a more stable basis.

I know Ms. Horwath asked you about the private member's bill that was introduced by my colleague John O'Toole, who represents the Durham riding, which also has a large amount of commuters that come in and out. It's about a public transit tax credit, and I know that one of the federal parties is also looking into a public type of tax credit. I know you couldn't comment on the specifics, but in general, do you think that some type of tax credit incentive would increase ridership?

**Ms. Babe:** I don't know. I don't know whether it's going to be a credit that's going to induce more people, or a more economic, integrated fare with a one-pass system, and the impact of either of those on overall revenue. I know it's going to be difficult, as among the provincial purse, the municipal purse, the citizen's purse, but the nickels are going to come from somewhere. I don't know yet which is the best place to take the money or to return the money and what is going to be the best inducement for ridership.

**Ms. Scott:** But do you see the board's role as looking at the overall picture and trying to get a more efficient transit system going, a one-fare, whether it involves tax credits or not, just some type of—I mean, the Europeans have this down to an art.

**Ms. Babe:** They do indeed.

**Ms. Scott:** A lot to be learned. That's all the questions I have. Thank you very much.

**The Vice-Chair:** Thank you, Ms. Scott. With my profuse apologies to the government side, who should have actually been going after me and before Ms. Scott, I turn it over to you. Again, I apologize. It's nothing other than it's a rainy, terrible morning and I got up on the wrong side of the bed, so I apologize for that. You have a couple of minutes.

**Ms. Smith:** No problem. We have no questions for Ms. Babe. We'd just like to thank you for putting your name forward. We think you're an excellent candidate and would be a great addition to the GO board. Thank you very much.

**Ms. Babe:** Thank you.

**The Vice-Chair:** Just to let you know, you're welcome to stay, if you like. We have two more interviews, and then after that takes place, we'll go into the concurrence process. It's certainly up to you. You can stay; you don't have to. The clerk will notify you of the decision of the committee.

#### BARBARA HALL

Review of intended appointment, selected by official opposition party: Barbara Hall, intended appointee as chair, Ontario Human Rights Commission.

**The Vice-Chair:** Our second interview is with Barbara Hall, the intended appointee as chair, Ontario Human Rights Commission. Ms. Hall, if you wanted to come forward and take a place at the end of the table, we would appreciate that. Good morning and welcome.

**Ms. Barbara Hall:** Good morning. Thank you.

**The Vice-Chair:** As you are probably aware, similar to the previous interviewee, you have an opportunity, should you choose, to make an initial statement. Subsequent to that, there are questions from the members of committee. Each party has about 10 minutes to question, and we go in rotation. This time we'll be starting with the government side. Any statement that you do make, however, will be deducted from the time allotted to the government side for their questions. With that, again, I welcome you. The floor is yours.

**Ms. Hall:** Thank you very much, Madam Vice-Chair. It's a real privilege to have an opportunity to meet with you and speak with you this morning about my nomination to a commission that it would be a great honour to be a member of.

I think you have a copy of my resumé, and I think that could tell you a couple of things: One, that I have difficulty holding a job, or I think, more seriously, that in a sense my professional and my volunteer life has been preparing me for the Ontario Human Rights Commission. As a young child, I had a passion for understanding injustice. I spent part of my childhood in Halifax, a community that had, at that time, in the early 1950s, a bad record in terms of race relations. Black people lived, basically, in a segregated society. I think my abhorrence for that led me into the civil rights movement of the 1960s. Since then, everything that I've done, wearing a range of hats, has been about building healthy communities that are built on principles of social justice and equity. In all of my positions, I have worked with a range of groups to, where appropriate, advocate for new laws that would address those issues, in other cases to see that laws were enforced, and as importantly or more importantly, to bring people together and do the kind of education and bridge-building that have people understanding their commonality and living well together, as opposed to exhibiting things that shut people out or damage or harm people. I have worked with many communities around the issue of racism. I've worked with many on issues of same-sex equality. I have worked with people with disabilities, with aboriginal peoples, with many groups who experience discrimination and barriers in our society.

I see the Human Rights Commission as being a place that could use my experience over many years to help make Ontario a better place for all of its residents to live and work and raise their families.

**The Chair (Mr. Tim Hudak):** Ms. Hall, thank you very much for the presentation and background interest in the position. I would begin any questions or comments with the government members.

**Ms. Smith:** We have no questions for Ms. Hall. We think she's eminently qualified, and as she outlined, I think her background has led her to this place.

We're delighted to see that you want to serve in this capacity and we want to thank you for that.

**Ms. Hall:** Thank you.

**The Chair:** The official opposition?

**Ms. Scott:** Thank you, Ms. Hall, for appearing before us today and for your extensive background in and contribution you've made to human rights. You're just applying for tough jobs, so don't be so hard on yourself—it's very tough.

I want to ask a few questions about the commission. There have been a lot of reports done on the commission; I just didn't know if you were that familiar with them. Also, do you have any comments about where you think the Human Rights Commission should be going, in a general direction?

**Ms. Hall:** I don't have detailed knowledge. Since I became interested in this position, I've spent a lot of time looking at their Web site. But beyond that and what I've read in the newspaper and occasional anecdotal reports from people, I don't have a detailed knowledge. I think I'm somebody who often goes in with an open mind and listens and learns before determining what the issues and problems are. In a very general way, probably an issue since the beginning of the commission has been how quickly complaints progress through. I know that has been an issue. I know a lot of work has been done on it. My sense from looking at the Web site is that improvements have been made, but it's an issue that must always be addressed on an ongoing basis.

Another issue is the area of public education. I think that's important. Since I was notified that my name was going forward, I've been watching with horror but interest what's been happening in France. I think that underlines for all of us that in complex, diverse societies, you can never be complacent. Public education's an important piece of that, as is enforcement when people break human rights laws.

1030

I think those are two areas that need work and will always need work, but I suspect there are others that, if we could talk six months from now, I would have a lot more information on.

**Ms. Scott:** When you brought up public education and the turmoil that's going on in France—I don't know this answer and I don't know if you do. What role and how much educational influence does the Human Rights Commission have? How can they increase public education?

**Ms. Hall:** One of my particular strengths is that I have relationships with many people in diverse communities. We're not necessarily talking about commission-led programs of public education, but it's about creating the partnerships, encouraging community groups, faith groups, business groups and other groups to understand the issues and create a climate of equality and human rights within the places where they function.

**Ms. Scott:** It's my understanding that the Human Rights Commission has the ability to respond to complaints, but it also has the authority to initiate complaints. Do you see the commission exercising that right more frequently during your term as chair?

**Ms. Hall:** That would be one of those issues I'd want to sit down and talk with others about, both at the commission and on the commission, as well as in various communities. Clearly, individual complaints are important, but if individual complaints are showing something that's widespread, something that's systemic, then everyone may be better served by the commission. But I would be one person on a commission of people with much experience, and rather than prejudging, I would see that as the kind of question I would be asking frequently in my early learning period with the commission.

**Ms. Scott:** The commission deals with straightforward situations of discrimination but also deals with situations

of constructive discrimination. Can you share with us your understanding of constructive discrimination, any example that you could think of where you've come across it? And I don't know the answer to that either.

**Ms. Hall:** If a person is in a wheelchair, for example, the fact that there are steps to a workplace—there may be a historic reason that there are steps in a building and no ramp, and the design of the building has nothing to do with keeping people in wheelchairs out, but the impact of that is to keep them out. So it's something the impact of which discriminates.

I know when I was at city council, there were issues around the fire service, where some of the height and weight restrictions had an impact on women, as well as people from some backgrounds who tended to be smaller. Those height and weight restrictions kept them from being eligible. What we, as the city, did was examine those and determine what was required to do the position. In the past, people had been big and strong, and those requirements were changed.

**Ms. Scott:** Those are all the questions I have. Thank you very much for coming here today and your interest.

**The Chair:** Thank you, Ms. Scott. Ms. Horwath?

**Ms. Horwath:** I'm wondering if I missed it, and if I did, I apologize, because I was kind of chuckling before. How did you find out about the position?

**Ms. Hall:** First, I saw the ad in the Globe and Mail. At a community event—I don't even remember what it was—I bumped into the Attorney General. We were chatting about life after politics, and he asked me if I would consider putting in an application for the position. I thought more about it, and I did. I received a call that I would be interviewed, and I was, I believe, by three assistant deputy ministers, who told me they were interviewing a number of people. It was a very formal, two-hour interview, with set questions that they told me I would receive. I went through that process.

**Ms. Horwath:** I think it's fair to say that when you were running for the mayor's position in the city of Toronto, you had a lot of support from all of the Liberal MPPs, so it's not unusual that you would have been approached or that somebody might have twigged to the fact that this might be a position for you. How would you describe your relationship right now with the current government?

**Ms. Hall:** As you say, I have a number of friends in elected positions in the government, as I do in your party and the Chair's party—in all of those groups.

I don't belong to a political party. The only party I have ever belonged to was the NDP, in fact. Some time before I ran for mayor the first time, I decided that in terms of the mayor's position, I wanted to represent all the people of Toronto and I wasn't going to do that from a partisan position.

I think I'm somebody who's interested in making things happen, in seeing results, and I work with whomever to make that happen. I've been working at the Ministry of Health, with others in that department, to lead the implementation of what I think are some important

health care changes. I'm not a partisan person; I work with people of like mind on specific issues.

**The Chair:** May I interrupt for a quick second? Ms. Hall, would you mind moving back a little bit from the microphone? It's fine for us, but I guess Hansard isn't picking it up. Thank you.

**Ms. Horwath:** In that same vein, though, the past chair of the Human Rights Commission has had occasion to be very critical of this government, of previous governments. If you're confirmed for this position, do you sense that you'll be able, if necessary, to bring that critical voice, that critical eye, if there are things that you think need to be addressed or dealt with by the government? That's something I need to hear from you, whether you think you'll have the ability to keep that critical voice, not in any inappropriate way, but if necessary, considering the relationships you have all the way around, really. Do you still believe you can keep that critical voice, if necessary, in your capacity as chair?

1040

**Ms. Hall:** I have never been afraid to speak out in support of things that I think need to be spoken out about. Sometimes that has meant being critical of or differing from people with whom I'm friendly. I don't confuse relationship and the causes that to me are important. I don't believe, and it has never been suggested to me, that I would take this position and advocate for a particular government's position. I would see myself as being appointed to have a voice for human rights in the province of Ontario.

**Ms. Horwath:** That's great.

I wanted particularly to ask about an issue that's been in the news recently, the issue of the Safe Schools Act. There has been some criticism of that by the current commissioner. I'm wondering if you have any comments and what your view is on the Safe Schools Act.

**Ms. Hall:** I have had concerns about that legislation since it was first introduced. At the time it was introduced, I was head of the federal government's Advisory Committee for a National Strategy on Community Safety and Crime Prevention. I believe we should have zero tolerance for violence, in the sense that any violence must be, should be responded to. But the kind of system in that legislation has the potential to create more violence, as opposed to reducing it. I have heard a lot of anecdotal descriptions of the impact, from teachers, from parents, and from young people themselves. I have long had that position and I think on occasion have probably spoken in the capacity of the national strategy against the legislation. I haven't read, so I don't have the details about, the current challenge, but I think there are problems within the legislation.

**Ms. Horwath:** All right. That's good.

Those are the major questions I have, Mr. Chairman; I don't have any further questions. I thank you very much for being very blunt about it.

**Ms. Hall:** Thank you.

**The Chair:** Ms. Hall, thank you very much. It's good to see you again. Please stick around, if you'd like. We

move to our concurrence votes after our next interview, so in about half an hour's time.

**Ms. Hall:** Thank you very much.

**The Chair:** Folks, I do apologize for coming in late. I thank my very capable Vice-Chair, Ms. Horwath, for sitting in.

**Ms. Smith:** We're just delighted that you made it.

**The Chair:** You are. Oh, good. I did have a meeting with a minister from Australia, which was very interesting, but you know these minister types tend to run late from time to time on their schedule, so my apologies.

**Ms. Smith:** You would know.

**The Chair:** Exactly. But I was always on time when I was in Geraldton, I tell you. I didn't miss the fun.

Thank you again to Ms. Horwath for filling in.

#### ERIC CUNNINGHAM

Review of intended appointment, selected by third party: Eric Cunningham, intended appointee as member, Royal Botanical Gardens board of directors.

**The Chair:** Our next interview, making a return trip to the Ontario Legislature, is Mr. Eric Cunningham, a former member back in the day.

**Mr. Eric Cunningham:** The black-and-white TV era.

**The Chair:** I don't believe it. In looking at your extensive resume since, you were obviously a boy MPP when first elected. Mr. Cunningham is not laughing at my jokes. He's obviously taking this committee process extremely seriously.

**Mr. Cunningham:** I'm endeavouring to get organized here, Mr. Chairman.

**The Chair:** No problem.

Mr. Cunningham is an intended appointee as a member of the Royal Botanical Gardens board of directors. He hails from Burlington, Ontario. As you can see from his background, there's a lot of experience in the Burlington-Hamilton area, particularly at the AGH, among others.

Mr. Cunningham, I think you've seen the routine here. You have time to make a presentation about your background and interest in this position, followed up by questions from all three parties, beginning with the official opposition. Sir, the floor is yours.

**Mr. Cunningham:** Thank you, Mr. Chairman. I value this opportunity to appear before the standing committee on government agencies with regard to my possible appointment as a member of the board of governors of the Royal Botanical Gardens.

As I believe you all know, the Royal Botanical Gardens, which abuts both Hamilton and Burlington, where I live, is really one of Canada's great natural treasures. Notwithstanding some financial challenges over the past number of years, this internationally recognized urban park and garden is a monument to the foresight of community leaders from many, many years ago. The late George Hendrie's family donated the trails that formed a 122-acre farm in 1932 to the gardens. Mr. Hendrie's predecessors were great Tories, and one of them served very ably in the 1900s here in this Legislature. Without

question, the driving force behind the RBG was the late Thomas B. McQuesten, who represented the riding that I was later honoured to be elected to three times. Mr. McQuesten was the Minister of Public Works in the Hepburn era and provided much of the leadership required to make the RBG happen.

My record of public service, regrettably, will never match that of Mr. McQuesten. But since leaving this place 21 years ago, I have made it my business to volunteer on various not-for-profit organizations. A partial list includes the Metro Toronto YMCA, which is North America's largest; the Canada Safety Council, of which I was vice-chair; the Art Gallery of Hamilton, which has just been wonderfully refurbished; and more recently, on the Banyan Community Services Foundation.

The new RBG board is led by Terry Yates. The board, with Mr. Yates, is well qualified to assist in providing direction to get the RBG back on its feet again. Likewise, the RBG is very fortunate to have a qualified and dedicated workforce, who rely upon the board to make strategic decisions that will enhance membership and maintain a diligent control on expenses, while at the same time building upon the value of the attraction. It would be my pleasure to assist this board in this essential endeavour. The RBG, in my view, is far too important a resource to let drift.

On a personal note, since leaving this place, I've become a keen gardener. My daughter and I have the stewardship mandate to sustain the great Civic-Rose-Award-winning gardens on our property that were created by Dr. Hicks of Burlington many years ago.

I welcome any questions that the members have.

**The Chair:** Thank you, Mr. Cunningham. We'll begin with the official opposition.

**Ms. Scott:** Thank you, Mr. Cunningham, for appearing before us here today and your willingness to serve on the Royal Botanical Gardens board. You were a former MPP, for Wentworth North, was it?

**Mr. Cunningham:** That's right.

**Ms. Scott:** What years did you serve?

**Mr. Cunningham:** From 1975 to 1984.

**Ms. Scott:** That's a great background. You were a Liberal MPP?

**Mr. Cunningham:** I was, yes.

**Ms. Scott:** So you're quite aware of the variety of agencies, boards and commissions. Were you waiting to get on the Royal Botanical Gardens specifically, or were you just interested in serving on a board? How did it come about that you wanted to apply?

**Mr. Cunningham:** I reviewed the tapes that were sent to me by the committee. I see that there are some more lucrative gigs out there, but quite frankly, I have a very strong view about the value of this attraction and what needs to be done in the next three or four years, with staff and the board, to get it back on its feet again. I'm prepared to donate my time, subject of course to your concurrence this morning, to help on that board and to help make that happen.

The RBG was part of my constituency. I am mindful of the history of the development, just a very brief part of

which I shared with you. The development of this great resource has a rich history, and I'm very anxious to assist in any way that I can.

**Ms. Scott:** I appreciate your background with them and your desire to move it forward. In the news lately, they've had one tragic incident involving a high school student and another with a food-poisoning incident. As a result of those incidents, there were recommendations made. I don't know if you're fully aware of all the recommendations that were made, but do you support implementing the recommended changes?

**Mr. Cunningham:** I see from media reports that the RBG has concurred with the coroner's inquest on that unfortunate, very tragic incident. My view as a board member is really, where possible, to let staff manage the facility. If you're attracted to the Carver school of governance, the board is there to provide general strategic guidance, not to interfere. My limited knowledge of that tragedy is that it was just that: an accident. It's an aberration in a rich history as a public attraction, and it's quite unfortunate, but I am persuaded that the RBG is taking specific directions to ensure that doesn't happen again.

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**Ms. Scott:** Yes, it was an unfortunate accident. It's just always recommendations that are brought forward to assist the Royal Botanical Gardens in moving forward.

What are your feelings about the current levels of provincial funding for the RBG? Do you feel they're adequate or should the province do more, and how should they do more to assist the RBG?

**Mr. Cunningham:** My own view is that that's a public policy matter that, frankly, will be decided in this place. Having said that, the province does make a very substantial contribution to the operation of the RBG, and that's been consistent. Over the years, there have been those who suggest that perhaps the RBG should obtain a level of funding commensurate with some of the attractions here in the city of Toronto. Again, that's an argument that I think is going to have to be made in this place.

The essential challenge, I believe, for the RBG going forward—and I did take the time to look at the Grant Thornton report that was prepared for the ministry, the financial review of the RBG—is to get it back into a level of solvency going forward, year by year. As a former business person, I'm quite certain that you would not be attracted to the notion of sustaining year-after-year deficits on anything in the public domain. These deficits, of course, also have demeaned the ability of the RBG to make necessary capital improvements to the infrastructure they already have. In many ways, they're land-rich and cash-poor.

One of the real challenges is to get more people into the place, to make it a year-round, sustainable facility—a large part of what this Grant Thornton report suggests and something with which I concur—perhaps generating enhanced membership. There is a strong membership base, many of whom are neighbours and friends of mine

in Burlington, but also a great many in Hamilton and, surprisingly, even beyond that. So building on that membership base is something that's important for them.

Those things need to be done, frankly, before they come back here and ask for a lot more money.

**Ms. Scott:** We would certainly like to see the partnerships continue and grow. You've mentioned some of them: by membership. I don't know if there are any other partnerships you were thinking of—

**Mr. Cunningham:** I would be neglecting my duties as a prospective member if I didn't say that the memberships are available at \$45 for individuals, \$75 for two years, and \$100 for families. I have some forms with me if anybody is interested in joining or rejoining, for that matter.

**Ms. Scott:** I can see that you will be a very good board member. I have no further questions today. Thank you very much.

**Ms. Horwath:** Mr. Cunningham, who are you aware of, in terms of friendships or personal relationships with any of the other board members or anybody else who is involved with the gardens? Do you have some existing relationships that you will be able to build on as a board member?

**Mr. Cunningham:** I think I'm safe in saying I don't know anybody at the staff level. I knew Mr. Yates a number of years ago, I think from business and his public life in the Hamilton area. My councillor in Burlington, Rick Craven—who is doing a great job, I might add—is one of the Burlington representatives. I do know him. Your former colleague Mr. Bruckler I think is a very able representative from the city of Hamilton. I know Dr. George, of course, from McMaster, and McMaster remains very committed to the botanical and scientific aspects of the board. Apart from that, I'm not able to tell you that I know too many, but I look forward to working with them.

**Ms. Horwath:** Can I ask you if you spoke to Mayor Wade or any of the other committee members who were undertaking the review?

**Mr. Cunningham:** No.

**Ms. Horwath:** And you had a chance to look at the report that was generated in that review process?

**Mr. Cunningham:** I reviewed the report that Mr. Wade and the other gentleman from Burlington did a while ago. I wouldn't say it's top of mind.

**Ms. Horwath:** Were you aware of any concerns surrounding the prescribed manner in which the ministry participated in that review process?

**Mr. Cunningham:** I can't recall anything that attracted my attention in that regard. Frankly, the report I found to be a lot more compelling was the Grant Thornton report, which dealt more specifically and directly with the financial difficulties that this organization is experiencing.

**Ms. Horwath:** I wanted to ask you about some of the recommendations that came out of the ministry's report, actually, because that was the framework for which the garden was given a couple of sets of funding, both the \$1.87 million short-term assistance and the \$3.85 million

that was supposed to be provided to support the restructuring. There are a couple of recommendations that flow from that report that I think it's important to get an understanding of your perspective on as a likely board member after today's proceedings.

You said you're interested in McMaster's role in regard to the horticultural side. The report indicates that the RBG should position itself as a centre of plant and horticulture education, similar to the educational focus of the Ontario Science Centre. Do you think that's an achievable goal, and if so, how do you see that relating, then, to the goal of getting more people to come to the RBG?

**Mr. Cunningham:** In fact, I think it's a very worthy recommendation. To have a resource as rich as McMaster adjacent to the facility, in fact as a neighbour—it's a resource we should leverage. We should also leverage the wider array of funding opportunities that may come from their specific involvement, as opposed to some of the historic sources of funding that we've seen heretofore. If we can broaden the base of access to funding and make the resource a more holistic resource, that's a very worthy endeavour.

I've looked at the numbers, and frankly, they're disappointing. When you look coldly and soberly at the number of visitors and the amount of money that not only the province puts in but also Hamilton and Burlington taxpayers, it's a lot per capita. I don't know how long that can be sustained without some further introspection.

In that regard, most of the thoughtful recommendations about the RBG, whether they've been in the Grant Thornton report or Mr. Wade's report or those of consultants, have suggested that the place has got to be a year-round facility and that it has to broaden the base of interest, whether through the Christmas facilities—and I know people glued to their TVs watching right now would want to drop by and get decorations and see the decorating ideas, as I did last week—or the horticultural or botanic that you're suggesting through McMaster's involvement. All of that would be very purposeful.

**Ms. Horwath:** I don't know how much time I have, Mr. Chairman. I have several areas—

**The Chair:** About another four minutes.

**Ms. Horwath:** Great. One of the recommendations, which was quite controversial, and you may recall it, was that the board should consider a sale of some lands that might be considered to be superfluous but keep the core lands. Could you comment on that?

**Mr. Cunningham:** I can. I did read the article in the Hamilton Spectator last year, written by Ms. Fragomeni, wherein it was suggested that unnamed sources suggested that part of the RBG might be for sale. Regrettably, she didn't attribute who those sources were, and consequently, I can't really put much into the suggestion that RBG lands would be sold. They certainly wouldn't be sold by the province of Ontario, because they're not the province of Ontario's to sell. The legal framework that governs the RBG, while it is a provincial statute, does not convey ownership to the province, in the same way that the province does not own the University of Toronto or

McMaster or any of those facilities. I don't see any idea going forward of selling any of the RBG assets. I think that would be extremely ill advised, as Bill Davis would have said way back when. I just think, as my daughter would say, it's so not on.

**Ms. Horwath:** With the review that took place and the recommendations that flowed from that review, there were also some commitments of funding. At this point in time, the government has not released the \$3.85 million of funding for the RBG to help with its restructuring. My understanding is that that's causing some consternation and some difficulty. I'm wondering if you could comment on that and if, in any way, you see your role as a board member as trying to loosen the purse strings and get the money flowing.

**Mr. Cunningham:** Well, Ms. Horwath, you know more about that than I do, as of this moment. I have not met with Mr. Yates or anybody on this board or any of the staff, so I'm not mindful of the minutiae of these discussions between the RBG and the province of Ontario. I would make this commitment: Should I be affirmed this morning, I will endeavour to do my utmost to remove whatever impediments we have to ensure that our funding and our entitlements flow as they should. There has been, in my view, too much uncertainty going forward with the RBG. It's not good. It doesn't help with regard to sustaining donations, involvement, membership or anything. I think everybody would agree that the time has come to move forward with this organization, and that's what I want to do as a board member.

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**Ms. Horwath:** Great. I have one last question, and that is, to what extent do you see more private sector involvement with the RBG to help with revenues and revenue-generating capacity?

**Mr. Cunningham:** Again, I haven't been on the board. I'm going to be one of I think 16 people, so I guess if we vote on things, I'll have one sixteenth of the input. It's such a wonderful facility that I think there is a real, serious role for strategic alliances with the private sector, perhaps affinity cards. I have my own views that perhaps I should—I don't know whether I should defer them now or get myself into difficulty, but I think it's a facility where we could be broadcasting. Recreational gardening and landscaping is one of the fastest areas of growth in our broad communities. Certainly it is in Burlington. I'm a member of the Grow for Green club at Holland Park on Fairview; they were 25 deep, at five cash registers, on Sunday when I was there for my weekly visit. I just know that people are interested in this, and I think that the RBG can make a wonderful contribution encouraging people. I live in Aldershot, and I never cease to be amazed at the extent to which the people in that community take pride in landscaping and looking after their properties. I think that the RBG can be a wonderful inspiration to people in Burlington, Hamilton and the surrounding district. But to go back to the private sector, yes, I think there's a vital role for the private sector to be involved.

**The Chair:** Ms. Horwath, thank you very much. To the government side.

**Ms. Smith:** I would be remiss if I didn't take the opportunity to thank you for being here. As Mr. Cunningham will remember, I was once a page when he was a member, so it's nice to be on a different side of the table. You also served with my dad.

**Mr. Cunningham:** I would be remiss if I didn't say that when I got here and couldn't find the washroom, your father not only helped me find the washroom but helped me understand part of what this job was all about. For that, I will always be grateful.

**Ms. Smith:** Thank you for that.

I think your knowledge of gardening and of this particular facility make you eminently qualified for this role. You did mention, when speaking with Ms. Scott, the "lucrative nature of this gig." I just thought that perhaps you'd like to enlighten everyone on the board what the lucrative nature of this gig is.

**Mr. Cunningham:** I've been charged \$8.25 for parking this morning, and I'd like to know where I submit that. Listen, I'm not advocating a per diem for work on the RBG. I'll get my own rewards in the fullness of time if we can, as a team, pull this organization back to where it used to be. I don't seek any emoluments for this. It's a worthy endeavour.

**Ms. Smith:** We thank you for that and thank you for your volunteer work. We appreciate your coming forward.

**The Chair:** Thank you. Any others?

**Mr. Cunningham:** I thought Mr. Gravelle was going to have a rebuttal.

**The Chair:** He's preparing it. He's got a big file folder sitting in front of him.

**Mr. Michael Gravelle (Thunder Bay-Superior North):** I have lots to say. I used to work for him.

**Mr. Cunningham:** That's not true.

**The Chair:** Mr. Cunningham, thank you very much for the presentation and your response to the members' questions. It's good to see you again as well.

**Mr. Cunningham:** Thank you very much to the committee. I have those membership forms here, if people are interested.

**The Chair:** Folks, we will now move to our concurrence votes in the order that the intended appointees appeared before the committee.

We will now consider the intended appointment of Jennifer Babe, intended appointee as member of the GO Transit board of directors.

**Ms. Smith:** I move concurrence.

**The Chair:** Ms. Smith moves concurrence. Any discussion? All those in favour? Any opposed? It is carried. Congratulations to Ms. Babe on the GO Transit board of directors.

We will now consider the intended appointment of Barbara Hall, intended appointee as chair of the Ontario Human Rights Commission.

**Ms. Smith:** I move concurrence of Barbara Hall.

**The Chair:** Ms. Smith moves concurrence of Barbara Hall. Is there any discussion? All those in favour? Any

opposed? It is carried. Congratulations and best wishes to Barbara Hall at the Human Rights Commission.

We will now consider the intended appointment of Eric Cunningham, intended appointee as member of the Royal Botanical Gardens board of directors.

**Ms. Smith:** I move concurrence of Mr. Cunningham.

**The Chair:** Ms. Smith, on a roll, is risking concurrence once again. Any discussion? All those in favour? Any opposed? It is carried. Mr. Cunningham, congratulations, and all the best at the RBG.

Folks, that concludes our concurrence votes. Is there any other business to discuss?

*Interjection.*

**The Chair:** Really? The clerk tells me what may be good news, unless we'd all miss getting together. Seeing no further business, we don't have appointments to call before the committee, and we anticipate our next meeting in two or three weeks' time—up to three weeks' time. There will be notice by the Chair for that, but you can anticipate not meeting next Wednesday or potentially the Wednesday thereafter, unless the situation changes, in which case we will notify the committee members. We now are adjourned until that time. Thank you very much.

*The committee adjourned at 1106.*







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