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

**Wednesday 15 February 2006**

## **Journal des débats (Hansard)**

**Mercredi 15 février 2006**

**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

STANDING COMMITTEE ON  
GOVERNMENT AGENCIES

Wednesday 15 February 2006

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES  
ORGANISMES GOUVERNEMENTAUX

Mercredi 15 février 2006

*The committee met at 1003 in committee room 151.*

## SUBCOMMITTEE REPORTS

**The Chair (Mr. Tim Hudak):** I'd like to call into session the standing committee on government agencies for our meeting of Wednesday, February 15, 2006. Everybody, welcome back. Happy New Year. It's good to see the bright, shiny faces back in the Amethyst Room.

We have a number of subcommittee reports to move before we move to our first intended appointee, so I'll just proceed. Our first order of business is the report of the subcommittee on committee business dated Thursday, December 15, 2005.

**Mr. Ernie Parsons (Prince Edward–Hastings):** I would move acceptance.

**The Chair:** Mr. Parsons moves its adoption. Is there any discussion on that report? I'll pose the question: All those in favour?

You'll need more than that.

**Mr. Parsons:** Vote with me, guys.

**The Chair:** Any opposed? That was the controversial December 15 report, eh? You want to stay out of that issue.

**Mr. Parsons:** We're a little rusty.

**The Chair:** Our next order of business is the report of the subcommittee on committee business dated Thursday, December 22, 2005.

**Mr. Parsons:** I move adoption.

**The Chair:** Mr. Parsons moves its adoption. Is there any discussion on this? Seeing none, all those in favour? Any opposed? Great. It is carried.

Our next order of business is the report of the subcommittee on committee business dated Thursday, January 26, 2006.

**Mr. Parsons:** I move adoption.

**The Chair:** Mr. Parsons, on a roll, moves its adoption. Is there any discussion? Seeing none, I'll put the question: All those in favour of its adoption? Any opposed? Carried.

Our next order of business is the report of the subcommittee on committee business, dated Thursday, February 9, 2006.

**Mr. Parsons:** And I move adoption.

**The Chair:** Mr. Parsons moves its adoption. Is there any discussion? Seeing none, all of those in favour? Any opposed? It is carried.

## COMMITTEE BUSINESS

**The Chair:** Also a part of routine business, an extension of deadline. Pursuant to standing order 106(e)(11), unanimous consent is required by the committee to extend the 30-day deadline for consideration for the following intended appointee: Susan Weatherby, an intended appointee to the Simcoe county community care access centre. Do I have unanimous consent to extend this deadline to March 19, 2006? All agreed? We have unanimous consent. That is carried.

Folks, I am going to suggest that we defer other business until after our intended interviews.

## INTENDED APPOINTMENTS

## RICHARD BAXTER

Review of intended appointment, selected by official opposition party: Richard Baxter, intended appointee as member, Ontario Labour Relations Board.

**The Chair:** We'll proceed with our first interview. It is Richard Baxter, an intended appointee as a member of the Ontario Labour Relations Board. Mr. Baxter joins us from Whitby, Ontario. Welcome, sir. Please grab a seat and make yourself comfortable, if you want a glass of water, etc. As you may know, you're welcome to make an opening presentation about your background and your interest in the position. Then all three parties will have a chance to ask you any questions about your qualifications or your intentions. It's on a rotational basis beginning with the official opposition. Welcome. The floor is yours.

**Mr. Richard Baxter:** Thank you very much. Good morning. My name is Richard Baxter. I am the business manager of Local 50 of the International Union of Elevator Constructors. I am also the president of the Provincial Building and Construction Trades Council of Ontario. I want to thank the committee for allowing me this opportunity to discuss my candidacy for the position of construction labour sidesperson of the Ontario Labour Relations Board. I would like to begin by giving you a brief outline of my qualifications.

I have been involved in the construction industry since September 1965. At that time, I began my apprenticeship in the elevator industry. By the end of 1970, I became a fully licensed elevator constructor mechanic.

During my career at Local 50, I have served in the following positions: apprentice representative, recording

secretary, financial secretary, vice-president, president, business agent and business manager. In 1974, 1995, 1998, 2001 and 2004, I was part of the employee negotiating team. For the last four instances, I was elected chief negotiator for the province of Ontario. These opportunities have allowed me to understand how a collective agreement is reached and how to interpret the wordings of these agreements.

In order to be a more effective representative for my members, I took a number of seminars and courses, including Advanced Bargaining Skills and Negotiating Strategies for Labour Studies. Courses such as these and the practical experience of negotiating a collecting agreement have given me a vast knowledge of the process and intricacies of bargaining.

The statistics from the Ontario Labour Relations Board show that the most common type of case heard from the construction industry involves interpretations of the collective agreements. During my terms as business agent and business manager, I have had the opportunity to appear before the Ontario Labour Relations Board on numerous matters. These would include collective agreement grievances, disciplinary matters, Occupational Health and Safety Act matters and certifications. This has given me knowledge of how the system works, and it has also demonstrated the need to me, personally, for fair and unbiased representation at the OLRB.

One of the most important aspects of serving on the Ontario Labour Relations Board in the capacity that I have applied is to have the confidence of your peers. I am proud to say that my candidacy has been endorsed by both the National Elevator and Escalator Association, which is the employer bargaining agency, and the executive board of the Provincial Building and Construction Trades Council of Ontario.

#### 1010

As I have stated above, the construction industry must have faith in your ability to give a fair hearing and to make sound, reasoned judgments. I am honoured that those I work with have faith in my ability to serve them fairly.

I thank you for allowing me the time to make this statement to you in support of my candidacy, and I welcome any questions you may have.

**The Chair:** Mr. Baxter, thank you very much for your opening remarks.

**Mr. Baxter:** Mr. Chair, I have some letters from the employer endorsing me, if that's necessary.

**The Chair:** Sure. We'll have the clerk collect those, if members are interested. I appreciate that, Mr. Baxter.

We'll begin any questions with the official opposition.

**Mr. Joseph N. Tascona (Barrie-Simcoe-Bradford):** I want to start questioning right now, but I may be finished my questions by the time those letters are produced. I'm interested in what they are if they're going to be tabled with the committee.

I want to thank you, Mr. Baxter, for being here in this regard. You certainly come well trained and experienced

in the construction industry. Were you approached about this position, and who was it?

**Mr. Baxter:** Who was I speaking to?

**Mr. Tascona:** Yes. Who talked to you about this position?

**Mr. Baxter:** The job came available through the Provincial Building and Construction Trades Council.

**Mr. Tascona:** Who did you speak to there?

**Mr. Baxter:** Mr. Dillon, the business manager.

**Mr. Tascona:** Do you know who he was speaking to? Because this is a government appointment.

**Mr. Baxter:** Kevin Whitaker, I would believe, at the OLRB. It was a retirement.

**Mr. Tascona:** Do you know who Mr. Whitaker was speaking to? Anyone from the government?

**Mr. Baxter:** I have no idea, sir.

**Mr. Tascona:** Who's your MPP?

**Mr. Baxter:** At the moment, we don't have one. Mr. Flaherty was the MPP.

**Mr. Tascona:** So you're from the Whitby-Ajax area?

**Mr. Baxter:** I live in Whitby, yes; Mr. Flaherty's riding.

**Mr. Tascona:** You've got a lot of experience in this area as a business manager. Certainly, it takes a lot of political skill to get to the level of business manager and hold that position. You've appeared, it looks like, at the labour relations board, correct?

**Mr. Baxter:** Yes, sir.

**Mr. Tascona:** Have you appeared there as the one presenting the case for the union or just as an adviser?

**Mr. Baxter:** We always have a lawyer in place, but as an adviser to the lawyer through the collective agreement.

**Mr. Tascona:** What are your thoughts in terms of how the labour relations board is operating and what you could bring to it? Because you just want to deal with the construction side.

**Mr. Baxter:** With the position that I'm applying for in the construction sector, I know there's a large backlog in the construction sector, and I'm hoping that the balance is back there and there won't be as many cases going to the board. With my capabilities and my knowledge, I hope I can give some good input to the construction sector.

**Mr. Tascona:** When you say there's a backlog in terms of the cases, what's the delay? What's the timing for getting a hearing up at the labour board for the construction side?

**Mr. Baxter:** Anywhere from two to three months.

**Mr. Tascona:** To get a hearing?

**Mr. Baxter:** To first attend a hearing, yes.

**Mr. Tascona:** You would no longer be a business manager, I take it?

**Mr. Baxter:** No, I would be retiring.

**Mr. Tascona:** I take it you're going to be a full-time member of the board. Do you know what that pays?

**Mr. Baxter:** Anywhere between \$62,000 and \$76,000 or something.

**Mr. Tascona:** So you'll be a full-time member of the labour relations board, representing the employee or the union side?

**Mr. Baxter:** Yes, sir, the labour side.

**Mr. Tascona:** How do you deal with a case? I know how the board's set up: They have a vice-chair and a person representing the union side and the management side. How do you bring yourself to be objective in the situation? Because you've always been on the union side?

**Mr. Baxter:** I've always been very neutral. There are two sides to every grievance, and I'm very acceptable to talking things over with other people. I've settled a number of grievances myself with my employers prior to going to the labour board, without any mediation whatsoever.

**Mr. Tascona:** So you feel that, as a sideperson, you're not obligated to dissent on every decision you don't agree with if it goes management's way? Is that what you're saying?

**Mr. Baxter:** I didn't understand the question.

**Mr. Tascona:** If there's a decision that's rendered and you're the union side representative, do you feel an obligation that you have to put in a contrary opinion if you don't agree with what the vice-chair and the management rep says?

**Mr. Baxter:** No. I understand that you do have your own personal opinions on the situation. You're not obligated to agree with the management side but always try to work together.

**Mr. Tascona:** Dissent would be that you don't agree with the opinion of the vice-chair and the management rep. On the other side of the coin, there would be a vice-chair and the union rep, which would be yourself, having the majority decision, and maybe the management rep would dissent because they don't agree with it. Do you feel obligated, as a union representative, to dissent on every decision that doesn't go the way of the union?

**Mr. Baxter:** No, I do not.

**Mr. Tascona:** What do you think with respect to the board having a backlog in terms of the construction industry cases of two to three months? Would you attribute that to the shortage of manpower with respect to the Ontario Labour Relations Board bench in terms of sidepersons and vice-chairs, or would it be just the volume that's coming out of the construction industry?

**Mr. Baxter:** It's just the volume out of the construction industry in the last year. It's very busy in the construction industry. There were slow periods prior, but things are very, very busy.

**Mr. Tascona:** What kinds of grievances are coming out there right now that are going to the board?

**Mr. Baxter:** Mostly grievances regarding collective agreement interpretations, that I'm aware of.

**Mr. Tascona:** It's not collection issues?

**Mr. Baxter:** No.

**Mr. Tascona:** It's more interpretation.

**Mr. Baxter:** Interpretation of what's right and—

**Mr. Tascona:** Do you know one of your members, Martin Michelezzi?

**Mr. Baxter:** Yes, I do.

**Mr. Tascona:** You're in charge of the negotiations, I take it, with respect to their collective agreement?

**Mr. Baxter:** Yes, sir.

**Mr. Tascona:** In terms of the Barrie area, do they get some kind of travelling allowance?

**Mr. Baxter:** From the city hall of Toronto north, a 60-mile radius, they get one hour a day travelling time. Over the 60-mile radius, they're entitled to \$70 per diem.

**Mr. Tascona:** How do you find the construction industry—you're in the elevating industry?

**Mr. Baxter:** Elevator construction, yes.

**Mr. Tascona:** How healthy is the industry with respect to that right now?

**Mr. Baxter:** Very healthy. We have full employment of 900 members. We have 220 apprentices at the moment: first-, second-, third- and fourth-year apprentices in the industry. We have full employment; in fact, there's full employment in the province of Ontario.

**Mr. Tascona:** What kind of construction are you dealing with generally? High-rise condos? What kind of construction are you dealing with right now?

**Mr. Baxter:** We do the elevators, escalators, walks—anything over two floors, basically.

**Mr. Tascona:** Is it more residential as opposed to commercial?

**Mr. Baxter:** We are pretty balanced on the residential, which is condominium apartment buildings. We're also very busy on the ICI, which is the airports, office towers and stuff.

**Mr. Tascona:** Do you feel comfortable? Have you had explained to you what's required of you to be a full-time member of the Ontario Labour Relations Board? Did they explain to you what's required?

**Mr. Baxter:** Yes, sir.

**Mr. Tascona:** What do you understand is required of you?

**Mr. Baxter:** To work diligently and do the best you can for the people who are there: the employee and the employer.

**Mr. Tascona:** You're not going to be required to sit in front of your own union that you've been with for many, many years as a full-time member, I take it?

**Mr. Baxter:** I hope not. I have no idea.

**Mr. Tascona:** So you're not aware of any conflict-of-interest guidelines at the labour relations board?

**Mr. Baxter:** No, sir.

**Mr. Tascona:** They haven't made you aware of that?

**Mr. Baxter:** No, not at the present time.

**Mr. Tascona:** When would this appointment take effect? Would it be right after we finish reviewing you? Would you go right into it or is there going to be a time lag?

**Mr. Baxter:** I'm looking at a timeline of possibly April 1.

**Mr. Tascona:** April 1 of this year?

**Mr. Baxter:** Yes, sir. It gives my local union time to get another manager, one of my reps, in my place.

**Mr. Tascona:** In terms of your perspective of the construction industry, how do you think it's working right now in terms of the laws? Are you satisfied with it?

**Mr. Baxter:** Yes, I feel it's balanced.

**Mr. Tascona:** Those are all the questions I've got.

**The Chair:** To the third party.

#### 1020

**Mr. Gilles Bisson (Timmins-James Bay):** I'm going to pick up on a couple of things my colleague from the Conservative Party said.

I always kind of shake my head when I hear the Conservative Party talk about, "You're a labour guy, therefore you're going to be labour sidesperson on a board, therefore you're going to rule only on behalf of workers." I know a lot of employers who are sidespeople. Quite frankly, they're pretty good at watching out for the interests of their members, and I certainly hope that you're going to have sympathy for workers. That's my first question, contrary to where my colleague was going. You're a worker; you've represented workers all your life. Are you going to be there with an agenda to represent employers? Is that what you're trying to tell me?

**Mr. Baxter:** No. I'm representing the labour side.

**Mr. Bisson:** Thank you very much, because that's why you're being put there.

**Mr. Baxter:** I misunderstood the question.

**Mr. Bisson:** Okay. I just wanted to be very clear.

On the other issue, what troubles me a bit is the answer to the last question, that you feel the labour laws are balanced. I think they're quite in favour of the employer. We have a difference of opinion, and I'm wondering why you would have said that, being a person from labour.

**Mr. Baxter:** Well, they're getting to be a little more balanced than what they were a few years ago.

**Mr. Bisson:** I've seen much in the way of reform to legislation, everything from the Labour Relations Act in terms of organizing, the Occupational Health and Safety Act, the workers' compensation act, and we're certainly not making those acts more progressive for workers. If anything, it's becoming a lot more difficult. I'm just curious about why you would think there's a balance. I think we've removed the balance and have swung the other way, in favour of the employers.

**Mr. Baxter:** But I do feel that the balance is coming back, with the changes.

**Mr. Bisson:** Anyway, I just repeat the point that you're a sidesperson for labour, and I would expect that you would be there, not always ruling in favour of labour, because obviously sometimes cases go before the labour relations board where there's no merit for the case to be won, but I would certainly expect you to be sympathetic to the labour side.

**Mr. Tascona:** He's a brother, Gilles.

**Mr. Bisson:** He's a brother. I'm just double-checking that he's a brother, okay?

**The Chair:** Gentlemen, we're starting off the new session—

**Mr. Bisson:** It just bugs me. It's this thing that we hear from the business sector all the time. Whenever you appoint a labour person, it's the issue of, "Are you going to rule only on the side of the workers?" I've never seen the sidespeople on the employer side always ruling in favour of the workers. Normally, they're ruling in favour of the other side. We've got a labour guy. I'm kind of happy about that, and I would hope that we keep on going in that direction.

Just a couple of things. I note in your application that you obviously have appeared before the board before. Have you done a lot of arbitration work, representing grievances at arbitration?

**Mr. Baxter:** Do you mean the Ontario Labour Relations Board?

**Mr. Bisson:** Yes.

**Mr. Baxter:** Yes, I've been at the board many times.

**Mr. Bisson:** So you obviously know well how the board operates etc.

**Mr. Baxter:** I've been attending at the labour board since 1992.

**Mr. Bisson:** How long have you been told this particular appointment is for?

**Mr. Baxter:** Three years.

**Mr. Bisson:** Do you expect to get renewed at the end of three years?

**Mr. Baxter:** I'm hoping to.

**Mr. Bisson:** I don't have any other questions. That's fine by me.

**The Chair:** To the government side.

**Mr. Parsons:** Mr. Baxter, your work experience, your history and your knowledge clearly demonstrate that you can fill the role of bringing the labour perspective to the board, and we are very pleased that you put your name forward.

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

**The Chair:** Anything else? Great, Mr. Parsons. Mr. Baxter, thank you very much for your presentation and your response to members' questions. We move to what's called a concurrence vote on whether to approve the appointment or not at the end of the interviews, so probably in about an hour or an hour and a half's time. You're welcome to stay and enjoy the session.

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

#### MICHAEL LAUBER

Review of intended appointment, selected by third party: R. Michael Lauber, intended appointee as member, Smart Systems for Health Agency board of directors.

**The Chair:** Our next intended appointee is R. Michael Lauber. Welcome to the standing committee on government agencies. Mr. Lauber is the intended appointee as member of the Smart Systems for Health Agency board of directors. Mr. Lauber hails from Toronto and is, it looks like, the current Ombudsman for Banking Services and Investments, OBSI. Am I right about this?

**Mr. Michael Lauber:** Former.

**The Chair:** Okay, former, but one of the best they've had there, right?

**Mr. Lauber:** Absolutely—the only one, up until six months ago.

**The Chair:** Mr. Lauber, you've been here, so you know the routine. You're welcome to make opening remarks about your interest in the position and your background. Then we'll begin any questions with the third party and do a rotation to the government and official opposition. Sir, the floor is yours.

**Mr. Lauber:** Good morning, Mr. Chair and committee members. Thank you for the opportunity to appear before the committee this morning. I'll take about five minutes with my comments.

I'm a chartered accountant by profession. I spent my professional career with KPMG. Most of time I was in the audit practice, having responsibility for both public and private companies in a wide range of businesses, from newspaper publishing to mining. I was a partner in the firm for 21 years. I also had significant involvement in not-for-profit organizations such as colleges and universities, some health care organizations, and several large charities. I was one of four partners who formed the KPMG Centre for Government in 1993, as a division of the practice focused on services to the public sector, including transformation, re-engineering and various commercial arrangements.

In 1996, I left the firm and I became the first Ombudsman for Banking Services and Investments, an independent dispute resolution body. It was created to investigate customer complaints and make recommendations for redress up to \$350,000. In the 10 years I was Ombudsman, OBSI grew from a membership of seven banks to now include all banks, all trust companies, investment dealers and mutual fund dealers in Canada—approximately 450 firms.

Over the years, I've been an active volunteer in my profession and in the community. I served as a governor and a member of the executive committee of the Canadian Institute of Chartered Accountants. I also served as committee chair for three committees of the Ontario Institute of Chartered Accountants, and I was appointed a fellow of that institute in 1998.

At the Toronto Board of Trade, I served eight years on the board of directors and four years on its executive committee. I've chaired many committees at the board of trade over the years, and I currently chair the air services committee of the board.

At the municipal level, I was a member of the economic development committee of the former city of Toronto for nine years. That committee is a standing committee of council. I also chaired the subcommittee to develop the first economic development strategy for the city of Toronto, and I co-chaired a committee to integrate the economic development strategies of Metro and the six amalgamating cities in 1996.

Some recent formal training that I've taken: I took mediation training at Harvard Law School and I'm cur-

rently taking the directors' education program at the Rotman School of Management.

The role I'm being considered for is part-time chair of the board of directors of the Smart Systems for Health Agency. As such, my primary responsibility would be to provide leadership to the board and see that the necessary items are brought to the board at the appropriate times. There are other responsibilities of the chair set out in the regulations, and the minister and management will have other requests of the chair.

The board as a whole has the responsibility to oversee the good governance of the organization, the management and operations, the risk management policies and procedures and the strategic planning for the organization, all within the policy framework as set out by government.

My professional career has given me the experience in a wide spectrum of business sectors and business practices. All of the boards I've worked with involved senior members and functioned in a very professional manner during challenging times for these organizations. I'm also a director of a manufacturing enterprise that will be filing an IPO in April and listing on the TSX.

I believe my career experiences will enable me to contribute to the good governance of the Smart Systems for Health Agency and the achievement of its goals.

I'd like to thank you for your interest, and I'd be pleased to respond to your questions.

**The Chair:** Mr. Lauber, thank you very much for your opening remarks. We'll begin the questions and comments with Mr. Bisson.

**Mr. Bisson:** You obviously have lots of experience on the financial side. I'm just curious. As you look at the roles and responsibility of what you're going to be on this particular board, it has a lot to do with information services with the health agencies that you're going to. I'm wondering why someone with a financial background wouldn't want to go into something that is financial: a financial services board or whatever it might be. Why this particular area?

**Mr. Lauber:** When I left public practice as an accountant, I didn't really go into a financial area. I went into a dispute resolution, mediation, arbitration type of environment. This is a different type of thing, and it's a part-time role. The board of directors provides oversight to the organization. It is responsible for the good governance of the organization, not the operation of it.

**Mr. Bisson:** I understand that. That's not my question, though.

**Mr. Lauber:** To be the chair, I don't think I need to be an IT expert.

**Mr. Bisson:** I just wonder, because we see that a lot with appointments. This is not a fight I want to pick with you; it's just that it seems to me sometimes—I look at your resumé and you have a lot of experience in a whole bunch of areas where you'd be able to serve with distinction. I have no argument. Dispute resolution; You've been an ombudsman with the banking services—there's a whole bunch of experiences and expertise that

you can bring to a whole bunch of other boards, and I'm wondering, why not pick something in that area in which you have a wealth of knowledge, background and experience, rather than on the health side? Why this particular one? What drew you to this?

**1030**

**Mr. Lauber:** I was asked to look at it. I looked at it and found it intriguing. The more I got reading this, I realized this is a very key sector within health care. For instance, the other day, the Health Council of Canada's Decker report came out and I think the underpinning of his whole report is that information management is going to be the key enabler, where most of the major reforms are going to take in health care. I just found it to be a really interesting challenge.

Sure, I would be interested in the securities commission, for example, but—

**Mr. Bisson:** I agree with you that this is one of the key parts of innovation in the health system, and we can get into a big long discussion on that on which we'll probably all agree, but you said you were asked to look at this appointment. Who asked you to look at the appointment?

**Mr. Lauber:** I sent a note to Minister Smitherman, whom I know. I said that I had retired as Ombudsman here a few months ago and was looking to become involved in something. He came back rather directly and said, "I've got something interesting."

**Mr. Bisson:** I've got a lot of respect for Mr. Smitherman. I think he's an able person, so I don't argue his wanting to have you, but I go back to the government, and this is just general comment and you don't have to respond to this: We see this a lot. I haven't been on this committee for the better part of a year, but there was a bit of a pattern in the early time of your government and I see it sort of continuing now. You get really good people like this guy. This guy is a top-notch appointment; no argument. He has all kinds of experience. But there's no mechanism within the Public Appointments Secretariat to say, "You know what? You're applying for this particular commission, but we could really use you somewhere else." There's the financial securities commission; there are all kinds of openings within the Ministry of the Attorney General and the Ministry of Labour and others when it comes to arbitration and mediation. I just say to the government that we should try to put our best people where they're most suited.

Listen, I hear you, right? As an MPP, all of us can probably go and serve on a number of things that we're not expert on because we've built, as you have, experiences that you can bring to other boards. I don't argue that for a second. I just say to the government that you really need to have a mechanism at the office of public appointments to vet these things a little bit better. As I looked at this gentleman's resumé, I went, "Wow, would I ever like to have him on a couple of commissions," because quite frankly I don't care what your politics are. You've got something good to give to the province of Ontario that probably would be more along the lines—I

don't have a particular problem with your credentials; my problem is that I think you'd be better suited somewhere else.

Am I going to withhold my vote for you? Probably not. But I say to the government across the way, you've got to talk to the office of public appointments or whatever they're called about getting a better system, because this is a pattern. It's like I'm an MPP or a minister, and I want somebody good whom I've met somewhere out in Ontario to serve. I happen to be the Minister of Health and I've got an opening, so I say, "Why don't you apply for this one?" We need a mechanism that says, "George. He's a great guy. You know what? Our Minister of Finance would really like to have him on something else." You need to have a mechanism for that.

Anyway, you can comment on that or I can move on.

**Mr. Lauber:** I appreciate your comments, but I am very interested in this job.

**Mr. Bisson:** I don't doubt that you are, and quite frankly I'm very interested in this area too and, like you, could probably do a good job on such a board.

I want to go to the air services committee. That kind of—

**The Chair:** Are you looking, Gilles?

**Mr. Bisson:** No, I'm not looking for an appointment. I'm running in the next election and the one after that. The people of Timmins-James Bay deserve good representation and I'm going to give it.

I note in your community involvement that you're a part of the air services committee. Do you want to explain that one a bit?

**Mr. Lauber:** The Toronto Board of Trade has many committees, as you know, and one of the committees is air services, which is involved generally in the whole aviation industry from manufacturers through air carriers, airports and so forth. I chair that committee. It's one of my interests, which I got involved in a few years ago.

**Mr. Bisson:** Do you fly? Are you a pilot?

**Mr. Lauber:** No.

**Mr. Bisson:** Okay. I thought we had a common interest in flying. I'm a pilot and I was looking for someone to go for a flip with.

I also notice in here that you sat, I take it it was with the GTA at the time—the whole issue of municipal tax reform. You've got quite a bit of experience in that particular end.

**Mr. Lauber:** Yes, I was one of the leaders of the board of trade; I guess I was incoming chair.

**Mr. Bisson:** Here's my question: If you had to re-upload some services back to the province in order to give the municipalities the ability to do their jobs better, what magic wand answers would you give me?

**Mr. Lauber:** Money.

**Mr. Bisson:** No, but if you had to re-upload, what would you re-upload? I'm just curious. You have some experience there.

**Mr. Lauber:** I'll chat with you afterwards on that one.

**Mr. Bisson:** Very good. I want to talk to you. I want to hear what you've got to say because that's another

interest of mine. Like all members, we're interested in so many things, it is unbelievable.

There is one other thing I wanted to take a look at. Through your particular resumé, and I'm not faulting you for this—I didn't see anything in there that gives you a lot of IT experience. Can you speak to that a bit, because a big part of what this commission does is IT. That's one of the deficiencies in your—maybe you have it and I just don't know.

**Mr. Lauber:** I think that was the point I started to make earlier. The board doesn't have to be expert in IT, and in fact shouldn't be. There's a chief executive officer; there's a large staff of around 380 people at Smart Systems who are experts in IT. On the new board, there have been, I think, six new appointments recently. There are a number of people who have health care backgrounds, people who have IT backgrounds and so forth. So I think collectively the board will be a nice balance of knowledge and experiences. There are people like David Brown, the former chair of the securities commission, there. So we have a good balance.

I've been around IT systems as an accountant most of my life. Could I run or design an IT system? Not a hope.

**Mr. Bisson:** How much time do I have?

**The Chair:** Two minutes.

**Mr. Bisson:** Let me put this: Have you ever seen the programs called Yes, Minister and Yes, Prime Minister?

**Mr. Lauber:** Absolutely.

**Mr. Bisson:** You understand what I'm talking about, yes?

**Mr. Lauber:** I hear what you're saying.

**Mr. Bisson:** They're going to be coming up and pitching you all kinds of ideas, some of them good, sometimes their own agendas. You've got a whole bunch of expertise on the financial side. If somebody tried to pull a fast one on you on that side, you'd be pretty knowledgeable in being able to say, "Somebody's trying to push something here that may not necessarily be what we want." But this is primarily an IT thing, and that's one of your weaknesses. Okay, you have other people on the board who have expertise, but it's one of the deficiencies. How do you deal with the issue that if you don't have a lot of expertise in IT—I think you're applying for the chair, right?

**Mr. Lauber:** Yes.

**Mr. Bisson:** How do you as the chair deal with somebody trying to pull a fast one? It happens.

**Mr. Lauber:** You draw on your board; you draw on your management; you draw on expert people. One of the things that I think I'm strongest at is I'm a very practical person and I have a very good nose, and I'm sure most of the people on the board fall into that category.

**Mr. Bisson:** It's like Eddie Shack had a nose for value. I think that was the hockey player.

I just say that I think, with your expertise, you would have been a lot better suited on something you have background in. I don't argue that you have an interest, I don't argue that you have a contribution to make, but I say to the government, here's a guy who could have

served on a board, with a lot of experience on the financial side, who knows all the ins and outs, who I think would have been probably better suited—I say to the government, fix this problem.

**Ms. Monique M. Smith (Nipissing):** We hear this speech every week.

**Mr. Bisson:** But you don't fix it. That's why I keep bringing this speech back. I need you to fix it.

**Mr. Lauber:** Just as another perspective on that, I don't have any expertise to speak of in health care. I'm not aligned with hospitals; I'm not aligned with doctors; I'm not aligned with the community organizations. Therefore, in many ways, as chair, you're in a better position to fairly balance the various pressures and so forth that come, because you don't have any allegiance to any of these. I've looked and I don't believe I have any conflicts in this sector.

**The Chair:** The government side?

**Mr. Parsons:** Thank you, Mr. Lauber. All of us, as provincial members of Parliament, are blessed with having obtained probably the only job in Ontario that has no qualifications to become a member.

**Mr. Bisson:** But it's a very long job interview process.

**Mr. Parsons:** It is, and the reviews are very challenging at times, too.

From our perspective, this is a position that requires strong organizational skills and strong governance skills. Essentially, what we're looking for in a leadership role is a person who's smart. You meet that criterion. Thank you for applying for the position.

**Mr. Lauber:** Thank you.

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**The Chair:** To the official opposition; Ms. Scott.

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** Thank you very much, Mr. Lauber, for appearing here before us today and for wanting to sit on this committee, which looks like it's quite a challenge. We have you applying as a director; we're interviewing you as a director. Just to clarify, in your comments—

**Mr. Lauber:** It is for chair.

**Ms. Scott:** It is for chair? Okay, because on the paperwork I have, it just has "intended appointee as member, Smart Systems for Health Agency board of directors." When you said "chair," I just wanted to clarify that.

**Mr. Lauber:** Yes, for three years.

**Ms. Scott:** Okay, so you're applying for chair and your understanding was that the term was for three years. It's just that, if that is made—the process, just to get that clarified—

**The Chair:** We'll check it. Go ahead.

**Ms. Scott:** We could potentially bring you back to interview you as chair. It might just be a paper discrepancy. You said "chair"; we have it down as "member."

You've been involved in various backgrounds—

**Mr. Bisson:** It does say "chair" on this one. There's a conflict between that one and this one. That's why I asked.

**Ms. Scott:** It's just a matter of copies. Sorry about that.

And it is part-time chair?

**Mr. Lauber:** It is part-time chair.

**Ms. Scott:** Are there two part-time chairs or a full—

**Mr. Lauber:** No.

**Ms. Scott:** It's just because they're part-time. Okay.

There have been a lot of questions, certainly in my riding of Haliburton–Victoria–Brock, about the Smart Systems, how up to date they are in my northern hospitals in Haliburton and then in Lindsay, for example, in the more southern part of my riding, and the linkage between that and Cobourg. They have been looking at putting in high-speed broadband, doing a more modern system, in their opinion, than what Smart Systems offers them at this point. I know you're not an IT person, but just in general, the comments that have been made in the papers lately and what I'm hearing in my communities about how up to date the system is: Is the health system that far behind that we're actually not helping our communities get online?

**Mr. Lauber:** No, I don't at this point. I've done a lot of reading in the last few months while this has been in the process. My understanding is that Smart Systems is a very modern, state-of-the-art type of system, that there is major infrastructure in place and they're in the process of rolling it out to the hospitals and the community and so forth, and all of the linkages for that point. I know there are issues of rural development and so forth, and that's partly driven by the availability of broadband in general, I gather. But no, I haven't read anything that it's deficient in any way. Certainly there are things we'll have to learn and understand, but I don't believe that in any way is the case.

**Ms. Scott:** Just to bring you into the loop, on December 6 Minister Smitherman indicated that he was launching the operational review of Smart Systems.

**Mr. Lauber:** Yes.

**Ms. Scott:** So you're aware of the operational review. You did mention that you had spoken to Minister Smitherman. Were there any comments about what type of changes he'd like to see, or was there a clear set of expectations that he might have given you that he'd like to see the board succeed in or accomplish?

**Mr. Lauber:** As far as the operations review—that's a review of the structure of the organization and the controls and so forth, from the bottom to the top—that is something in the regulations that organized the organization in the first place, that after three years this would be done. So I think that's a pretty normal course of events. When I met with Minister Smitherman, he made it very clear that this was an area of priority with him, that it's an issue of some concern to move it ahead, that it keep up to the pace and the expectations to support the development in the health care sector. Beyond that, no, we didn't have a lot of discussion about it. But it's certainly an area of concern—well, of interest—to the minister.

**Ms. Scott:** Absolutely. You can look at lots of statistics, and I'm sure you have. We're quite far behind

in IT and communications, for example. For 25% of patients who come into our emergency rooms, it's medication-related, and a lot of that has to do with the fact that they come in at times when the doctors' offices aren't open, the pharmacy, their records. It has certainly been an underserved area, as you well know, for many years in Canada and has been written up in many studies.

**Mr. Lauber:** And most places.

**Ms. Scott:** And most places also. There does have to be a strong commitment, and different levels of government, certainly provincial and federal, have to put monies towards updating the system. It is a big task, but—

**Mr. Lauber:** The President of the United States, I think following his State of the Union or something, made some comment. He strongly supported information management within his State of the Union address—I don't know whether you noticed that—but he also talked about large savings. I don't know whether they're there or not.

**Mr. Bisson:** This is from an administration that can't shoot straight.

**Mr. Lauber:** I know, but it's an important issue. Michael Decter, in his report, says it underpins the whole revitalization of the health care sector.

**Ms. Scott:** I firmly agree. It is a savings down the road. I don't think we've done justice to the people of the country for their health care system when we don't have an IT that's accurate and up to date.

The other thing is that doctor recruitment is always a big topic of discussion. There are over 30,000 people just in my riding of Haliburton–Victoria–Brock who don't have doctors, so I've been on the doctor recruitment committees and went to some of the doctor recruitment fairs. The doctors graduating want to see the IT—I'm not sure of the name, but it's like an e-physician type of set-up. I think about 90% of the established doctors still have the paper world, but the new doctors coming out want to walk into some type of practice where it's all computerized. Is there anything in the scope of your mandate at Smart Systems that could help doctors get started in practice with e-physician records?

**Mr. Lauber:** Clearly the goal of Smart Systems—and there are a lot of other areas within the Ministry of Health that come into play on this—is to coordinate. Smart Systems provides the infrastructure. We have to build a system that has the capacity and, I guess, the reputation so that doctors will want to plug in and take advantage of that system. We'll have to market it. But yes, I can see that a doctor comes out of school, he has lived in an environment where he's had a laptop computer and lived by it for the last six years, and he drops into a pencil-and-paper environment. It's the same in the United States, I gather, and in the UK. Somewhere I read recently that 98% of our family practitioners still operate on a paper-based system, yet in the business world it's light-years ahead.

**Ms. Scott:** Absolutely. That was one of the top things they were looking for before they chose a community, and that was one of them, being on e-physician. It is very important in recruiting doctors.

**Mr. Lauber:** That's one of the things I like and that interested me when I started getting involved in it a little bit. There's a major marketing job. Smart Systems, I think, has been largely an infrastructure body, and it will have to start marketing its services to doctors in the community and so forth to build up that interest in plugging into the system. You've got to sell the system.

**Ms. Scott:** If you were giving any advice to hospitals or family health networks that are setting up or the family health teams or the community care access centres—I have some that are coming to my riding. I'm hoping there will be some assistance to them. It's evolving right now. It's like, "Don't make any decisions right now." Is there a timeline on when the operational review will be done?

**Mr. Lauber:** I don't think the operational review will have any direct bearing on the rollout. The operational review is going to be really an audit assessment of where Smart Systems is right now in terms of security, confidentiality, infrastructure, business practices and so forth. It's going to be a review of that.

The new board will come in, having this report available. If there are issues to be addressed, they're going to be sitting there and can develop plans to address any weaknesses or deficiencies that are pointed out. At the same time, the rollout and the business of Smart Systems is going to carry on day by day, as we speak. They are in the rollout phase. The main thing being rolled out right now is secure e-mail within various sectors—doctors to hospitals and so forth—so that X-rays and all sorts of information can be transferred and disseminated and so forth on a secure, confidential basis.

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**Ms. Scott:** I guess I'm done. Thank you very much for your information. It's been a good discussion. Good luck.

**The Chair:** Mr. Lauber, thank you very much for your presentation and your responses to the members' questions. You're welcome to stick around. We'll probably proceed with the vote in about an hour's time.

Just to get back to Ms. Scott's question, we did our research. The order-in-council certificate which this committee is responding to does in fact say that Mr. Lauber would be appointed as a member of the committee.

**Mr. Bisson:** It says "chair."

**The Chair:** No, the certificate actually says "member."

**Mr. Bisson:** Oh, the certificate itself.

**The Chair:** Yes. It could very well be the government's intention that Mr. Lauber becomes the chair or it could be the committee's intention, but what we're responding to today is his appointment as a member of that committee, which was the OIC.

**Mr. Bisson:** Then I've got a question. Is the process that the board itself will elect its own chair? Is that the process in this case? Explain to me what's going to happen in the selection of chair.

**The Chair:** According to research, with this particular board, cabinet is to choose which of the members would become the chair, but the OIC itself says "member."

**Mr. Bisson:** Is that something that we're—

**Ms. Scott:** We could ask him to come back again.

**Mr. Bisson:** We can ask him to come back once he's been—

**The Chair:** I don't think so. We respond to orders in council, right? It's orders in council for appointments. We could get back to the committee on this, and we'll make sure we have our facts straight. The information I have before me today is that that would not be an order in council, so there would not be a second opportunity if that's the committee's wish.

**Mr. Bisson:** But to research—don't we normally, as a rule, when we get the appointments, indicate if they're going in as chair or as a member?

**Ms. Carrie Hull:** I think that depends on the statute. In this case, it says that the cabinet has the authority to select one of the members as chair.

**Mr. Bisson:** Okay, that answers my question.

**The Chair:** We're good? Great.

**Mr. Lauber:** It's not a problem?

**Mr. Bisson:** Well, for us, not for you.

**The Chair:** We have to follow the technical rules, and technically you were nominated by cabinet as a member of the committee. We understand the legislation then gives cabinet the ability to name who the chair would be among the members who are there. It sounds like it's very well the government's intention to appoint you to that position.

**Mr. Lauber:** Thank you. This organization hasn't had a chair since October.

**The Chair:** There you go. Thank you very much.

#### GARRY MINNIE

Review of intended appointment, selected by third party: Garry Minnie, intended appointee as member, Assessment Review Board.

**The Chair:** We now call forward our third intended appointee. It is Garry Minnie. Mr. Minnie is the intended appointee as member of the Assessment Review Board. He is our second Durham region resident before the committee today. Among his varied background, he's a member of the Ontario Woodlot Association, whom I'm meeting with in the near future, as a matter of fact—a good bunch of people.

Mr. Minnie, the floor is yours to make a presentation about your background and your interest in this particular appointment. Then, as you've seen—you've been rapt in your attendance today—we'll begin any questions with the government members and follow a rotation. Sir, the floor is yours.

**Mr. Garry Minnie:** Thank you, Mr. Chair. I appreciate the opportunity to appear before the committee and to introduce myself. I believe you have a resumé before you, so I will just add a bit more information.

I was raised on a farm in the upper Ottawa valley near Eganville. I received a Bachelor of Arts degree from St. Patrick's College in Ottawa and, later, an honours in English through the University of Toronto. I've had the

pleasure of teaching both elementary and secondary school in both the separate and public systems, although most of my teaching career was in the public secondary system, at Courtice Secondary School. I served as head of the English department at Courtice for 20 years, with time off from 1989 through 1992 to serve as president of district 49 of the Ontario Secondary School Teachers' Federation in the jurisdiction of the Northumberland and Newcastle Board of Education. Prior to that, I had served on the collective bargaining team. After retiring from teaching, I spent more time in community activities, and I became active in the Ontario Liberal Party. I worked in sales for a publishing company for most of 1998. I was the Liberal candidate in the riding of Durham in 1999 and 2003.

I'm very excited about serving on the Assessment Review Board. I have looked at the requirements for and the mandate of the ARB, and I believe I can fulfill the role of part-time member. I have attended and observed several hearings of the board, I have read most of the legislation, I have talked to several board members and I have met with the chair of the board. I've tried to familiarize myself with the assessment process in a general way. Clearly, I have a lot to learn about the application of the legislation, but I feel confident that I can do that.

I have a record of bringing people together and of resolving differences. I have the experience and professional skills to conduct hearings, to write clear and concise reports, and to provide for a fair hearing process.

In conclusion, I would say that fairness should be the chief characteristic of assessment and of any hearings dealing with assessment. I believe that with the training and the mentoring process that the ARB employs, I can become an effective board member. Thank you.

**The Chair:** Thank you very much for your presentation and for joining us here today. The government has the first question or comment.

**Mr. Parsons:** No questions, Chair. We are very satisfied with Mr. Minnie's qualifications.

**The Chair:** The official opposition?

**Mr. Tascona:** Thanks very much, Mr. Minnie, for attending here today. I just want to state for the record, which you indicated in your testimony already, that you were a Liberal candidate for the provincial Liberal Party for the riding of Durham for the 1999 and 2003 elections.

**Mr. Minnie:** That's correct.

**Mr. Tascona:** Looking at your application, I was not able to see any information about when you applied for the position. Can you tell me when you applied?

**Mr. Minnie:** I applied in late 2003. It was processed in 2004. I had a meeting with the director of the Public Appointments Secretariat to discuss different positions. She arranged a meeting with the chair of the board. Then I had the interview and a call to appear here.

**Mr. Tascona:** Who was the director you met with?

**Mr. Minnie:** Debra Roberts.

**Mr. Tascona:** When did you have that meeting with her? Do you recall?

**Mr. Minnie:** It would have been in the early spring of 2004.

**Mr. Tascona:** Did she contact you or did you contact her?

**Mr. Minnie:** No, I contacted her. I had applied, having been to the website. I made a general application. I'm not sure whether she called me or I called her. Probably I called for a meeting; it's quite likely. I can't recall that. I met with her, though.

**Mr. Tascona:** Is that standard procedure, to call up the director and have a meeting with her?

**Mr. Minnie:** I called the Public Appointments Secretariat and ended up talking to her. I don't know if it's standard procedure. That's what happened.

**Mr. Tascona:** Then she arranged for you to meet with the chair of the ARB?

**Mr. Minnie:** That is correct.

**Mr. Tascona:** When did you meet with the chair?

**Mr. Minnie:** Last summer. It took a long time. He was out of the country. It was sometime last summer.

**Mr. Tascona:** What did you discuss with that person?

**Mr. Minnie:** With the chair of the board we discussed the position, what it would entail. At that time, I was still investigating whether I thought I was appropriate, whether this was the right thing for me to be doing, and that's what we discussed: the nature of the job, the requirements of the job and, in general, what the job entails.

**Mr. Tascona:** In terms of the requirements of the job, it's a part-time member at the ARB. Do you know what time requirement that's going to be?

**Mr. Minnie:** No. Apparently, it varies a lot from year to year, as a matter of fact, depending on assessment. A notice is coming out. I'm quite prepared to work most of the time that I'm given.

**Mr. Tascona:** Do you have a minimum or a maximum that they gave you, a time frame of how much you would work?

**Mr. Minnie:** No, we did not discuss anything like that, and I don't have any in my mind at this time.

**Mr. Tascona:** What do you get paid for that?

**Mr. Minnie:** Thirty-four dollars an hour.

**Mr. Tascona:** Thirty-four dollars an hour, plus expenses?

**Mr. Minnie:** Plus expenses.

**Mr. Tascona:** This is the only board that you applied to serve on. What was it about this board that drew your interest?

**Mr. Minnie:** I think the fact that the board tries to resolve differences on a matter that's geared to a lot of people: assessment, which leads to their taxes. The fact that the board wants to have a fair settlement of disputes—that's the purpose of the board—appeals to me a lot.

**1100**

**Mr. Tascona:** Have you had any interface with the ARB before? Have you put in a request for reconsideration or have you had a hearing?

**Mr. Minnie:** No, I never had, although my neighbour did, I can tell you.

**Mr. Tascona:** You've never appeared in front of the Assessment Review Board.

**Mr. Minnie:** No.

**Mr. Tascona:** In any capacity.

**Mr. Minnie:** No, never.

**Mr. Tascona:** Do you have an opinion with respect to the CVA for a residential property?

**Mr. Minnie:** I don't think it would be appropriate for a potential member of the board to express a direct opinion on CVA. I understand why CVA came into being. I understand how irregular assessments were across the province and the desire to have a more uniform system. I understand that most North American jurisdictions seem to have moved to CVA.

On the flip side, I understand that there have been difficulties getting all properties brought up to CVA—so there has been some controversy about that—or that there have been attempts and different views on getting everybody to CVA. But I don't think it would be appropriate, as a potential member of the board, for me to express a direct opinion on CVA.

**Mr. Tascona:** I'll just bring to your attention that in October 2005, the Ontario Ombudsman, André Marin, announced that his office would be conducting an investigation into the process for valuing properties. The investigation will focus on two areas: an alleged lack of transparency in the property assessment system and the integrity and efficiency of the decision-making process. The impetus for the investigation was complaints from homeowners who are confused about the criteria used in determining individual assessments. In addition, it is alleged that MPAC has refused to recognize previous decisions by its own staff and the Assessment Review Board reducing assessments, thereby forcing homeowners to appeal their assessments again. Do you have any comment on that?

**Mr. Minnie:** I don't have any particular knowledge about those charges of improper assessment. I do know that MPAC has a very difficult task, and not necessarily a popular task, in assessing property value, so it's not surprising that there would be people who would sometimes be unhappy with the assessment; I don't find that a surprising thing. But I don't think I can comment on that. I am not aware of any irregularities and I think it would be improper to comment on that.

**Mr. Tascona:** Do you have any knowledge of assessment averaging? Do you know what that is?

**Mr. Minnie:** I know what it is.

**Mr. Tascona:** What is it?

**Mr. Minnie:** When there's a bump, I suppose, in a given year that makes for an excessive taxation year, the idea is to spread it over several years to smooth it over. That's what it is.

**Mr. Tascona:** Do you have any knowledge of tax caps and ratios?

**Mr. Minnie:** I understand what they are. I don't say that I understand it fully, but I know what they are.

**Mr. Tascona:** What do you think they are?

**Mr. Minnie:** Particularly in the case of business and industry, they were where excessive increases in the evaluation were providing a hardship, or a supposed hardship, so caps were put on. The problem with caps, of course, is that if some people don't reach full CVA, then presumably somebody else is picking up the other side of it. I understand that there is an issue about that.

**Mr. Tascona:** Are you familiar with the assessment of trailers in trailer parks, which has been a controversial issue for years? Some trailers are assessed and others are not. Thus, in 2002, MPAC began assessing all trailers in trailer parks and indicated that new assessments would be applied retroactively. This action provoked many petitions to the Legislative Assembly. Owners of trailer parks and their residents argued that they use few municipal services and that the tax will discourage tourism. They have advocated a tag system, whereby a seasonal fee would apply to trailers. The Liberal government cancelled the assessments that would have applied for the 2003 tax year; however, it was later announced that trailers exhibiting characteristics of permanency would be assessed and liable for property tax in 2004 and future years. Do you have an opinion on this issue?

**Mr. Minnie:** Again, a matter of classification of property is something for MPAC to apply under the legislation, under the regulations that are set out in the act. I don't have any particular knowledge about the assessment of trailers; none at all.

**Mr. Tascona:** I take it you don't live in a trailer.

**Mr. Minnie:** No, I don't live in a trailer, although I did actually have one.

**Mr. Tascona:** From what I understand, in terms of your background, you never appeared in front of the ARB and haven't had any real experience with the Assessment Review Board. Looking at your resumé, certainly it's not related to anything that would be considered related to dealing with property assessment and dealing with this particular area. So I have difficulty understanding what you feel your qualifications and skills are that you can bring to this, but maybe you can elaborate for the committee.

**Mr. Minnie:** When I look at the requirements for membership on the ARB, I feel that I meet many, or most, of the requirements, which are to look at things fairly, to be able to assess people and their credibility, and to have an open mind. In speaking to members of the committee, and I've spoken to a few members, and in familiarizing myself with the ARB, what they stressed is that the most important thing is to evaluate the evidence that's brought before one at an ARB hearing—the evidence provided by MPAC and the evidence provided by the complainant—and then to judge based on the appropriate regulations. I feel I can do that.

**Mr. Tascona:** Thanks very much for your presentation.

**The Chair:** Monsieur Bisson.

**Mr. Bisson:** Monsieur le Président, it's so nice to be here with you this morning.

**The Chair:** We welcome you too. It's your debut, by the way.

**Mr. Bisson:** I missed this committee. I was gone for a year, and I'm just so glad I'm back. I'm so glad that as whip I put myself back on.

Listen, I'm going to say what I've been saying for a long time: a great person, all kinds of experience, but there's a real incompetence in this government's ability to try to match people to where they're best suited.

**Mr. Parsons:** You're going to give us a complex.

**Mr. Bisson:** I hope you have a complex, because maybe the first step to accepting that there's a problem is to admit you have a complex, and then do something about it.

I look at this gentleman's application; I have no quarrel with him. He has all kinds of experience in a whole bunch of areas, but none of them have to do with the assessment system. So this particular gentleman's going to have a steep learning curve, with all due respect—I don't have a fight with you; I have a fight with these guys, your brothers and sisters in the Liberal Party—that there's a steep learning curve to learning how the assessment system works so that he is able to make good decisions on behalf of the hearings that he's going to preside over. You know as well as I do. Find me two MPPs in this Legislature who understand the assessment system thoroughly, and I'm going to give you \$100, because they don't exist. It is a very complex system, as we all know. We as MPPs deal with irate constituents on a monthly basis—I wouldn't say a daily basis—who basically come in and who are mad at the way the assessment has been done on their property.

I'll give you a good little example of things you're going to have to deal with, of which you know very little. The assessment system, as it works: It used to be that we'd send the assessors out on the street. We would say to the assessors, "Physically go to the building and do an assessment of the building." Then they came back and said, "Well, you know, the garage, the fence, the windows, the eaves, the rooms"—all that stuff, and they came to a value. Now what we do is say, "Real estate companies, tell us what sales you've had in your community." If you fall within the particular geographic area that had a sale, they will apply to all the other buildings in that area whatever the sale amount was in that particular neighbourhood. For example, if you had a bunch of houses that were probably worth about \$75,000, but for some reason the only house that sold in that neighbourhood somebody came by and paid \$100,000 for because they didn't know any better, the assessment on all those properties is going to go up by 25% because of that one sale.

This gentleman is going to be asked to basically understand how the system works to make some decisions, and I say, boy, there's a whole bunch of things that you could be sitting on in the education field. This gentleman has a wealth of knowledge in education. I don't argue for one second your authority in that area. You've worked in the not-for-profit sector as a volunteer.

There are all kinds of opportunities on the social services side—I have no argument.

**1110**

I don't even have a problem that you're a Liberal. I believe the government has the right to appoint its own people. That's not my argument because I know every government is going to appoint a number of people from its own party to sit on commissions because you want your commissions to follow the directions of government policy. So my argument isn't that this guy's a Liberal. I don't care. He can be a Liberal. He could have run, as he did the last time. He could have run 10 times; don't bother me.

My issue is, you keep on bringing appointments before this committee who are basically really good people—and this is a good guy—who can contribute to the province of Ontario but know little of the assessment system. This time my colleague and I are going to agree, unlike we did two before—and I'll rub it in. I'll tell you, you're in trouble when I agree with you.

**Ms. Smith:** You're brothers.

**Mr. Bisson:** We're brothers; that's exactly the point. We are brothers in the Legislature.

**Mr. Parsons:** You should be scared.

**Mr. Bisson:** I know. He should be scared that I called him a brother.

I'd just say to the government, you've got to put a system in place that does checks and balances.

I've had my rant. You understand why I'm going to come at you with some questions on market value assessment. But I'm going to go back to the very basic point that my colleague Mr. Tascona raised with you, and that is that the Assessment Act is a fairly complex piece of legislation. How in heck are you going to be able to do the best job you can, not knowing anything about the act or the system?

**Mr. Minnie:** I expect I will learn the relevant—

**Mr. Bisson:** No doubt you're going to learn. I know you can learn because you're a teacher. But how much of a learning curve—why here? Why did you end up on this particular commission? Did somebody come and talk to you?

**Mr. Minnie:** I explained previously that I discussed appointments with Debra Roberts and I think I said in my previous answer, too, that the idea of fair assessment appeals to me.

**Mr. Bisson:** I have no doubt.

**Mr. Minnie:** I don't think that one has to be absolutely an expert in a given area to sit on a board.

**Mr. Bisson:** My argument, sir—oh, finish. Sorry, I cut you off. Go ahead.

**Mr. Minnie:** I think that applies to—

**Mr. Bisson:** MPPs, I'm sure.

**Mr. Minnie:** —school boards, to MPPs, to juries.

**Mr. Bisson:** There's an argument to be made. As you know, on the legal system, I would agree. We have some lay judges and we do that for a reason, but they have knowledge in the legal field before they end up there. My I personally have no problem with you. I know that you're a well-intentioned person, you're trying to do your

best and you're going to serve to the best of your abilities. That's not my argument. I just wonder why in heck the government says, "Here's a guy with a whole bunch of experience in another domain," and didn't put you there.

This is a steep learning curve. I'm telling you. These hearings are not just about how you feel about how fairness has been applied. You've got to apply the legislation and, more than the legislation, the regulation and, on top of that, all of the manuals that go with it. It's a pile of paper this thick, and I'll tell you, there are not many MPPs, including the Minister of Municipal Affairs, who understand it. I ask again: How long do you think it's going to take you to come up to speed to give somebody a fair hearing on an issue, both the taxpayer and the person who's before the hearing?

**Mr. Minnie:** I can't give you an exact number on that, but I know that I can take the training and follow the mentoring process that will be in place. I do know that I was interviewed and I had no problem with the interview, apparently. It seems that they felt that I would be able to—

**Mr. Bisson:** In all fairness, the interview is, "Are you a member of the Liberal Party?" "Yes." Boom, you're in.

*Interjection.*

**Mr. Bisson:** To be blunt. Listen, I understand how the game works. I've been around here for 16 years, Monique. I do understand.

**Ms. Smith:** And your brother, that we went through a few minutes ago?

**Mr. Bisson:** My brother? My brother wasn't here; he's in Ottawa.

**Ms. Smith:** You know who we mean.

**Mr. Bisson:** My brother's over there. There he is.

**Ms. Smith:** I was going to say, your brother's over there, too.

**Mr. Bisson:** Listen. I made my point. There's no use asking more questions. I know what I've got to do.

**The Chair:** That concludes our questions and comments on Mr. Minnie's appointment. Thank you very much, sir, for your appearance and your response to the members. You're welcome to take a seat. We have one more intended appointee to get through.

#### MARLENE MCGRAW

Review of intended appointment, selected by third party: Marlene McGraw, intended appointee as full-time member, Ontario Lottery and Gaming Corp. board of directors.

**The Chair:** Our next intended appointee is Marlene McGraw, intended appointee as member of the Ontario Lottery and Gaming Corp. board of directors, aka OLGC. Ms. McGraw hails from Brantford, Ontario, and, most importantly, is an alumnus of the University of Western Ontario.

**Ms. Marlene McGraw:** And McMaster as well.

**The Chair:** You were doing well until you said that.

**Mr. Bisson:** Just on a point of order, part of the application is missing. The whole employment part is not

in the package that I was given. I have the first page and the very last page, but the two pages in the middle are blank.

**The Chair:** We will endeavour to get that to you, Mr. Bisson. Thanks for making the point.

Ms. McGraw, you've been here for a bit. You're welcome to make opening remarks on your interest in the position and your personal background. Then members of all three parties will have a chance to ask you questions about your interests. I believe we begin this round with the official opposition. Ms. McGraw, the floor is yours.

**Ms. McGraw:** Thank you very much. I have just briefly summarized what was in my resumé and my personal disclosure form. If you don't have that, that's going to be a bit of a problem because I haven't reiterated anything here.

**Mr. Bisson:** They'll bring it to me very shortly.

**Ms. McGraw:** Just to briefly summarize some of the information and to give you some personal information, I was born in Ontario and have lived my entire life in the province. I was raised on a farm in a farming community and have never lived more than 100 kilometres away from that community. I've earned a BA and an MBA and I am a member of the Institute of Chartered Accountants of Ontario. I've been with the same accounting firm, Millard, Rouse and Rosebrugh LLP, since I received my CA designation in 1986. I became the first female partner of our firm in 1992.

While I do love my work, I am very conscious of my good fortune in life and make every effort to contribute back to my community through volunteer activities. This year, my volunteer time involves serving as president of the Rotary Club of Brantford.

In addition to my work and volunteer experience, I have also had the opportunity to serve on the board of directors of Via Rail Canada. During my seven-year term with Via Rail, I was a member of the investment committee, the governance committee and chair of the audit and finance committee.

I'm interested in serving on the board of the OLGC primarily because I believe my previous board experience and my years of audit, financial and business management experience can make a real contribution to the organization's business model. I've worked closely with a diverse client base, including a large publicly traded manufacturing company, large and small owner-managed manufacturing, distribution and service companies, the local chamber of commerce, the local sexual assault centre and numerous other for-profit and not-for-profit organizations. I can use this unique, broad range of experience to assess and suggest improvements in internal controls, financial reporting and managing business risks. Thank you.

**The Chair:** Very good, Ms. McGraw. Thank you very much for your opening remarks. Any questions or comments begin with the official opposition, and Ms. Scott.

**Ms. Scott:** We were just debating that; we've got it sorted now.

Welcome to the committee this morning. Thank you for giving back to your community. I was very impressed that you were the first female partner in your law firm. Congratulations. I think that's great. I'm a big promoter of the advancement of women, so that's wonderful.

Before we get started, we were happy to have the opportunity to review you. We were making comment that Tim Reid, who is the board chair, wasn't initially appointed to this board; it was just an interim appointment, so we didn't have the opportunity to review him and to ask him questions, so we're happy that you are here today.

Just as a background for us, how did you come to hear of the vacancy here?

**Ms. McGraw:** Through Tim Reid.

**Ms. Scott:** Okay, so you knew Tim personally?

**Ms. McGraw:** Yes. Tim is currently on the board of Via Rail, so Tim and I served together there for several years.

**Ms. Scott:** Okay, so you're following each other around—

**Ms. McGraw:** Not really.

**Ms. Scott:** Just a comment.

**Ms. McGraw:** Don't let that get around.

**Ms. Scott:** Did you apply online or did you speak to anyone after you applied?

**Ms. McGraw:** I applied with a paper application a little over a year ago, sent that in, completed the personal disclosure form, had the police check and the whole thing. Then, I'm going to say approximately three months ago, I was asked to apply online because apparently the procedures had changed since I had originally sent in my paper application and they needed my application online, so I did that.

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**Ms. Scott:** You didn't speak to anyone after you applied? No one spoke to you?

**Ms. McGraw:** After I applied online? No.

**Ms. Scott:** So it's just through Tim Reid, and then you spoke to no one else and just came out today.

**Ms. McGraw:** Yes.

**Ms. Scott:** Did you apply to any other board, or was this the only board?

**Ms. McGraw:** This was the only board. When I started this application process, I was still sitting on the board of Via Rail, so that was a workload in itself.

**Ms. Scott:** I'm sure it is.

You've seen the marketing that the OLGC has been involved with. Do you believe that the marketing is currently being done in a socially responsible way? Do you see improvements that you'd like to bring to the board? I am asking specifically about marketing, but you can broaden that in your response if you wish.

**Ms. McGraw:** It's a very tough call for the OLGC. The business of gambling is a huge economic opportunity for the province, but it also carries huge social consequences. It's inevitable that they're going to be, to some degree, unsuccessful in mitigating all of the issues. Do they do a good job at mitigating the issues? As far as I can see, but I'm sure there's room for improvement.

**Ms. Scott:** In June 2004, a colleague of mine from Waterloo–Wellington, MPP Ted Arnott, introduced a private member's bill. That bill would have put a moratorium on the construction of new gambling premises and any expansion of existing operations until a commission had studied the negative impact of social gambling. Do you have any comment on that idea of his, that more study needs to be done?

**Ms. McGraw:** I think more work needs to be done. I'm not sure whether there's any more—obviously, more study involves more information, and the more information you have, the better you can mitigate the issues. In that respect, more study is obviously preferable.

**Ms. Scott:** It leads in to the other question I had. In general, can you tell us what you think the future of gaming in Ontario would be, what role the Ontario Lottery and Gaming Corp. may play over the next several years? I know you're just coming onto the board, but you've obviously done some research before coming on and have a desire to be on the board. I just didn't know if you wanted to share any thoughts. You don't have to be overly specific. I know you're new.

**Ms. McGraw:** As I said before, it's a big opportunity for the province, and the province can capitalize on that opportunity as long as it is very aware and very careful to do everything it can to mitigate any negative social consequences.

**Ms. Scott:** To bring it down to maybe more of a local level, I see that you're a member of the Rotary.

**Ms. McGraw:** Yes.

**Ms. Scott:** And you're currently the president, which is great. I have a lot of community service groups like that in my riding of Haliburton–Victoria–Brock, but they're all across Ontario. They've had some changes in the system, so some of their practices of raising money before, some type of raffle tickets and that—there have been some changes, and they aren't as able to raise the funds that they usually raised through their normal lottery ways. I don't know if you've had any experience with that at the Rotary. Has your Rotary hit any bumps like that?

**Ms. McGraw:** Absolutely.

**Ms. Scott:** Could you expand on that, or maybe even help me understand what they are?

**Ms. McGraw:** I'm not sure it's relevant to this, because basically what's happened in our community is mostly relevant to the smoking bylaw issue. The local bingo halls have closed their doors, and that has everything to do with the smoking bylaw, so it's not really relevant to the lottery corporation. In my Rotary Club, we generally try to keep our prize board so that we just need to have a municipal licence.

**Ms. Scott:** Okay. I'm not going to give you examples but just food for thought, that there are just some local—

**Ms. McGraw:** Oh, yes.

**Ms. Scott:** Their fundraising abilities have changed somewhat—just some technicalities that may be looked at.

There was a new lottery recently introduced that will provide new funding for athletes. The lottery is going to be available again during the summer. Do you think that lottery should be permanent? If you think it should be permanent, what impact do you believe it will have on the money now available to the Trillium grant program?

**Ms. McGraw:** The comment I would have on that is that I think specifying the proceeds of that lottery going to the athletes could encourage some people to gamble when they might not normally gamble. That is my concern with that type of lottery.

**Ms. Scott:** I've run out of time. Thank you very much for appearing before us today, and good luck on your appointment. We will have no problems.

**The Chair:** Ms. Scott, thank you very much. Mr. Bisson.

**Mr. Bisson:** Hello, and welcome before us. It seems there has been a bit of a mix-up with your application getting to us. It didn't give the employment, but I take it most of your work—if you can go through a bit of your work history very quickly, because we don't have it.

**Ms. McGraw:** I am a chartered accountant and I have been with Millard, Rouse and Rosebrugh, the 21st-largest accounting firm in Canada and a very large accounting firm in southwestern Ontario, since that time. I've been a partner since 1992. I cover a range of audit and review and business management functions.

**Mr. Bisson:** That's well suited, I would say—I shouldn't say this, but you would say this is well suited toward some of the work that needs to be done on the board as far as a board member is concerned?

**Ms. McGraw:** Yes, sir.

**Ms. Smith:** Mr. Bisson indicated he didn't have the information on Ms. McGraw, but I think all members received it. Do you want my copy, Gilles?

**Mr. Bisson:** I wouldn't mind a copy. It didn't come with mine. I appreciate that, Monique. You're always just so co-operative. I thank you very much.

So we've established that. I've got a couple of questions, because there are a few issues that the Ontario Lottery and Gaming Corp. has to deal with. The first one is, why is it they only sell me defective tickets? I've been buying those things for years and I've never won more than 10 bucks.

**Ms. McGraw:** I certainly couldn't comment on that.

**Mr. Bisson:** So what are you going to do about getting me a winning ticket, and everybody else here?

**Ms. McGraw:** Absolutely nothing.

**Mr. Bisson:** Good. That's the answer I was looking for. Anyway, it was just letting them know I have not yet won the big one. All right. All in fun.

What is your feeling in regard to the dependency that successive governments, all governments—everybody's had a hand in this—have on lottery and gaming revenue? Is there a bit of an addiction problem?

**Ms. McGraw:** With the government?

**Mr. Bisson:** What I'm saying is, we are very dependent on the revenue from both lottery and casinos, all of this stuff under this agency. Are we getting close to

the ceiling as far as how much we should be trying to get out of gaming and—

**Ms. McGraw:** I'm going to suggest, that's going to naturally occur in the marketplace. The net revenues from the OLGC have basically plateaued in the last few years, so I'm going to suggest that's already happened.

**Mr. Bisson:** How do you feel about some of the dependency issues, especially gamblers in the casinos and stuff, and even some of the lotteries? Are we doing enough, in your view, to deal with those who have been hurt by gaming?

**Ms. McGraw:** I don't think we can ever say we're doing enough. That's not a comment I think anyone should ever make. I think there's always more to be done. Some of the issues we need to be very careful about, though, are privacy issues for the individual person partaking of the gambling activities. You have to be very careful. You don't want to override their privacy. I don't think we can ever say we've done enough.

**Mr. Bisson:** You must be aware, as probably most of us are, that casinos operating in Ontario have a habit of trying to attract certain clients back, especially larger player clients. How do you feel about that, and is there work that needs to be done at the board to try to rein that in a bit?

**Ms. McGraw:** You can be of two minds on that. It's a wonderful marketing tool. It's not guaranteed that it is a problem. When it is a problem, have we done enough on it? There's the discussion of sending out information on the help that's available to frequent gamblers, gamblers who would use the priority passes and things like that, and while that's a great idea in principle, there's also the question of the person's privacy that needs to be considered.

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**Mr. Bisson:** I agree with you on the privacy side, but I guess what I'm wondering is this: I've spoken to a few people from my own constituency who have problems with gambling. They get calls from the casino, saying, "Great big tournament. Here's a freebie," and wham, they're back at the casino again. They lose money they can't afford and they're back, saying, "God, I couldn't resist."

I'm just wondering, do you think there's more work that needs to be done by the lottery corporation to try to rein this in to a certain extent?

**Ms. McGraw:** Without doubt, there is more work to be done.

**Mr. Bisson:** Good. That's what I was looking for. I won't mention names, but I'm sure it will be greatly appreciated by some.

Are you aware of the win tax issue?

**Ms. McGraw:** With respect to?

**Mr. Bisson:** First Nations.

**Ms. McGraw:** Yes, I'm aware of the litigation, and I only have that because of the briefing I looked at prior to this. I don't have any particular information.

**Mr. Bisson:** What's your understanding of the background of all this?

**Ms. McGraw:** That the First Nations are litigating because they are of the opinion that their deal has changed. Is that correct?

**Mr. Bisson:** Basically, yes. I'm not going to get into the whole debate here, but let me ask you this question. I take it I already know your answer, but I'm going to ask it anyway. Would you agree with me that First Nations in Ontario are greatly underfunded when it comes to most of the services they need to operate?

**Ms. McGraw:** I don't think I want to comment on that.

**Mr. Bisson:** I certainly wish you would, and so would a whole bunch of First Nations people.

**Ms. McGraw:** I know, but I don't think I want to comment on that.

**Mr. Bisson:** I'm going to take this opportunity because it's an opportunity to put a marker in. This win tax issue is a big one. A deal was made with a previous government—it happened to be the NDP government—that the percentage of proceeds they would get on Casino Rama would be X. When the government came in under Harris, they changed that deal, and as a result we're talking about over a billion dollars in lost revenue to those communities. You've watched what happened last fall in Kashechewan. That's the story in just one community. Basically, it's the same story everywhere. This money goes a long way to providing infrastructure for communities, everything from water and sewer to roads to arenas; you name it. I just ask you to bone up on that one, because it's something that is greatly needed. I recognize you're not the one who's going to deal with the litigation, but I think you should be up on top of that. I take it the answer is, "Yes, I'll bone up on it," right?

**Ms. McGraw:** Absolutely.

**Mr. Bisson:** I thought so.

Again, this is not directly related to your appointment, but I'll ask it, and if you feel comfortable please respond; if not, I'll understand that you won't.

Increasingly, it's becoming a lot more difficult for community groups to fundraise. The rules, as you know, the regime of who can fundraise what and how much and all the rules tied to it, are really becoming a large problem for community organizations. Your views on that at all?

**Ms. McGraw:** My own personal experience with this is that it is becoming more difficult because there are many more people at the trough than there ever used to be. It becomes more difficult simply because there are more people asking. With respect to my own personal experience, as I said, the organization I'm involved with only looks to municipal licensing. That's about as far as I can go with that.

**Mr. Bisson:** I was going to end on this note, just to say to the government that something we need to look at at one point is how we change the rules to assist these groups. What we've got going on is that successive governments—municipally, provincially and federally, I would argue—have lessened the amount of money available to community groups—Les Chevaliers de Colomb, the Italian Club, whatever it might be. They're having to

survive on fundraising as a means to keep themselves afloat and keep their buildings afloat if they happen to operate a hall, a community hall or whatever. The rules are really making it difficult for these people to operate. I think that at one point, probably not this committee but another committee needs to look at that issue about how we change the rules to make sure the system is transparent and we deal with those who are trying to defraud the system clearly, but on the other hand we try to make it a little bit more user-friendly.

**The Chair:** Thank you, M. Bisson. Now to the government members.

**Mr. Parsons:** No questions. We're pleased with this nominee, thank you.

**The Chair:** Very good.

Ms. McGraw, thank you very much for your presentation and your responses to the members' questions.

**Ms. McGraw:** Thank you.

**The Chair:** Folks, we'll now move to the concurrence motions in the order that they appeared before the committee.

We will now consider the intended appointment of Richard Baxter, intended appointee as member of the Ontario Labour Relations Board.

**Mr. Parsons:** I would move concurrence.

**The Chair:** Mr. Parsons moves concurrence. Is there any comment or discussion? All those in favour? Any opposed? The motion is carried. Mr. Baxter, congratulations and best wishes on the OLRB.

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

**The Chair:** Thank you for staying with us.

We will now consider the intended appointment of R. Michael Lauber, intended appointee as member, Smart Systems for Health Agency board of directors. We need a concurrence motion.

**Mr. Parsons:** I'll move concurrence, Chair.

**The Chair:** Mr. Parsons moves concurrence. Is there any discussion? Seeing none, all those in favour? Any opposed? It is carried. Mr. Lauber, congratulations to you and all the best in your new capacity.

We will now consider the appointment of Garry Minnie.

**Mr. Bisson:** I would move that we delay it till next week and bring it back before the committee. I ask that; it's not a motion.

**The Chair:** Mr. Bisson does have the ability. Under the standing orders pertaining to our committee, number 8, members do have the opportunity to ask for a delay in vote for seven calendar days. We are meeting next week, so this intended appointment will stand down and we'll have the vote in seven days at the next committee meeting.

We will now consider the intended appointment of Marlene McGraw, intended appointee as member of the Ontario Lottery and Gaming Corp. board of directors.

**Mr. Parsons:** I move concurrence.

**The Chair:** Mr. Parsons moves concurrence. Any discussion? All those in favour? Opposed, if any? It is carried. Ms. McGraw, congratulations and all the best on the OLG.

Folks, as you may or may not know, members do have the ability to ask for a deferral of the vote, which we'll do in seven days' time, so Mr. Minnie—you're still here, which we appreciate—your vote will take place at the next meeting of the committee, which is Wednesday, February 22.

I did defer other business to the last part of the agenda. Do the members have any other business? They are looking anxious to leave their seats. Mr. Tascona?

**Mr. Tascona:** There was some discussion, and maybe we can have some discussion in the future on the subcommittee with respect to reviewing other agencies. I'd

just put that on the record so we can perhaps think about that for our next meeting. I know Mr. Bisson and Mr. Parsons are on the subcommittee, along with yourself, so I think it may be prudent to start thinking about that.

**The Chair:** Fair enough. Any other comments? Then that could be something we would discuss at subcommittee.

Any other, other business? Very good. Thank you very much, folks. This meeting will stand adjourned until 10 a.m. on Wednesday, February 22. Have a great day.

*The committee adjourned at 1137.*

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