



**Legislative Assembly
of Ontario**

First Session, 39th Parliament

**Assemblée législative
de l'Ontario**

Première session, 39^e législature

**Official Report
of Debates
(Hansard)**

Tuesday 3 June 2008

**Journal
des débats
(Hansard)**

Mardi 3 juin 2008

**Standing Committee on
Government Agencies**

Intended appointments

**Comité permanent des
organismes gouvernementaux**

Nominations prévues

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Hansard Reporting and Interpretation Services
Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



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

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Tuesday 3 June 2008

Mardi 3 juin 2008

The committee met at 0932 in room 228.

INTENDED APPOINTMENTS

JENNIFER SCOTT

Review of intended appointment, selected by third party: Jennifer Scott, intended appointee as member and vice-chair, Child and Family Services Review Board/Custody Review Board.

The Chair (Mrs. Julia Munro): Good morning, and welcome to the Standing Committee on Government Agencies. We will proceed at this time to our intended appointments review.

I would invite Jennifer Scott, the intended appointee as member and vice-chair, Child and Family Services Review Board/Custody Review Board, to our committee.

Welcome. As you may be aware, you have an opportunity, should you wish to do so, to make an initial statement. Subsequent to that, we'll ask for questions from the members of the committee. If you're ready, you may begin.

Ms. Jennifer Scott: Good morning. Thank you very much for inviting me here and giving me the opportunity to tell you a little bit about myself. I'm a lawyer and have been practising in Toronto for 20 years. For the past 16 years, I've specialized in administrative law, mostly in the area of human rights, on behalf of complainants—those who believe they've been discriminated against.

I have represented human rights commissions, both federally and provincially. I've also represented parents and kids in student discipline matters and ensuring that programs and services are available to meet their special needs.

About four years ago, I was retained as legal counsel to the Child and Family Services Review Board and the Ontario Special Education (English) Tribunal. In that capacity, I provided independent legal counsel with respect to their adjudicative functions. My retainer with the special tribunal ended in 2006 when the Attorney General took over that role, but I've continued to act as independent legal counsel to the Child and Family Services Review Board.

As you know, in November 2006, the CFSRB's mandate changed quite significantly under Bill 210. So during the past year and a half, I've worked very closely with the chair of the board, Suzanne Gilbert, to provide the infrastructure for that new mandate. So we developed

policies and rules of procedure. I've reviewed decisions and I represented the board on two judicial reviews that were brought by children's aid societies challenging the board's new mandate, and in both cases the court sided with the board with respect to its interpretation of its mandate under Bill 210.

In December of last year, I was approached by Ms. Gilbert to see whether or not I would be interested in becoming a full-time vice-chair with the board. After giving it much thought, it seemed like it was a good transition for me to go, as independent counsel, to act as an adjudicator. After 20 years in practice, I'm ready to move into more of an adjudicative mediation function.

I don't know if you know this, but I've also been a part-time member of the Human Rights Tribunal of Ontario. My hope is that I can act in two capacities. If my appointment is approved, I can be a full-time vice-chair for the CFSRB but also remain as a member of the Human Rights Tribunal, obviously with one salary. I think it's really important for members of adjudicative bodies in Ontario to have an understanding of human rights. The Supreme Court has told us that we should be looking at human rights in our adjudicative capacities, that it should not just be the tribunal that determines those issues, so I think that I can bring that expertise to the CFSRB.

That's an introduction as far as why I'm here. Again, thank you very much for inviting me today.

The Chair (Mrs. Julia Munro): Thank you very much. We'll begin our questions with the official opposition. Ms. MacLeod.

Ms. Lisa MacLeod: Welcome, Ms. Scott. You come eminently qualified. The official opposition has no problem with endorsing your qualifications to this board. You explained everything I had a question for. I'm not sure if my colleague has any questions. Good luck.

Ms. Jennifer Scott: Thank you.

The Chair (Mrs. Julia Munro): We'll move on, then, to Ms. Horwath.

Ms. Andrea Horwath: I too was impressed with the information that we received from legislative research in regards to your qualifications; they're certainly stellar.

I do have a couple of questions. You indicated in your remarks that you've done some work already with the board, but in a different capacity. That's obviously something that was provided as part of our information package as well. I'm wondering whether this could cause

any conflicts to arise in your mind. As you're sitting with the other hat on, do you have any concerns at all that you might have a conflict arise as a result?

Ms. Jennifer Scott: I don't think so. Because I've been independent legal counsel, I've just been providing legal advice in a very neutral way to the board, so I haven't taken any partisan positions on behalf of one party. I don't think there will be a conflict that will arise.

But your question is a good one, because the members are used to my being their lawyer for four years. I've been very clear with the chair that I will not be able to provide legal advice. I'm going to have to change hats; I can't hold myself out that I'm practising law any longer, so I think I have to be very clear. It's one thing to give colleagues advice, as we all do, about how we do our jobs, but I need to be very careful that I'm no longer providing legal advice. That is going to be a shift, but I think we're aware of that.

Ms. Andrea Horwath: It's interesting, because prior to being in elected life, I worked for a legal clinic. I wasn't a lawyer, but nonetheless, we strove to have lawyers on our board of directors and other people from the community. It was interesting, because that issue comes up with many community-based boards. Everyone says, "We need to have a lawyer on our board, we need to have an accountant on our board, we need to have this person and that person on our board," almost as if we were a corporation, but we're really a community-based board.

0940

I'm glad that you've acknowledged that there could be some challenges for you to make sure that you are not sending out the wrong messages to your colleagues on the board in terms of what your function is as you go forward as an appointee.

The other question I wanted to explore with you is the whole issue of the expanded mandate, which you mentioned in your remarks. I was interested to learn about your role in terms of the procedures and the development of how that's going to be handled at the board level, but I was particularly interested in seeing if you have any concerns about or opinions on the extent to which the board is able to address complaints, particularly around children's aid societies. I raise that because the focus is very narrow, as you know, in terms of what kinds of complaints or appeals can go to the board in regard to children's aid society matters. In Ontario, we don't have a broader oversight system for children's aid societies, so there is no third-party, independent, arm's-length person or place where people can go if their complaints are not addressed by the boards of those societies themselves. First of all, is that something that you have any opinion on at all, and secondly, how do you see the board dealing with some of those other complaints if they were to come forward?

Ms. Jennifer Scott: I have a couple of responses.

Under Bill 210, there are three levels of expanded mandate. I know that you're talking about the complaints against children's aid societies, but there's also the ability

to review children's aid societies' decisions with respect to adoption and foster care. In that case, the board can actually rescind the society's decision, based on its new determination of "best interests of the child." That was one of the issues on the judicial review that I mentioned, because the children's aid society in that case really wanted the board to take a very narrow mandate, and the board said, "No; we get to decide." So that's pretty significant.

With respect to the children's aid societies, obviously it's a policy decision of the Legislature, but I believe that it's a very significant mandate. My life has been spent on people being able to make human rights complaints, and I don't believe that one should only be able to go to an external body like the Human Rights Commission to have one's human rights vindicated. In our society, we should have really effective internal processes for everybody to raise their complaints. I see the board's role as holding the societies accountable to meaningful processes. And if they aren't, they're going to find that their decisions are reviewed by the board, and if they are, the board won't have any work to do. I actually see that as very important and meaningful, because that's really what we want for people: to be able to go to their institutions and be heard. That's what the board is there to ensure happens.

Ms. Andrea Horwath: Then, from your years of practice in administrative law, you've come to a conclusion that whereas other provinces, for example, have an ombudsman function to hear the kinds of complaints that won't be captured by the amendments as a result of Bill 210—you don't see that as something that is a missing piece in the accountability framework for children's services in the province of Ontario?

Ms. Jennifer Scott: If the Legislature decided it wanted to give the board broader power, then I think that would be a good thing. But I don't actually believe that what's happening now is meaningless.

In the human rights context, if you can go to your employer and complain that you've been discriminated against and your employer fixes it, that's much better for the employer and much better for you than spending years in a human rights process. I feel the same way about children's aid societies. If they actually listen to their clients about the concerns that they have and they provide a meaningful response, at the end of the day, that's better for the system than having to complain to an external body. But the external body has to be present to make sure that happens.

I agree with you that it probably could be better, but I don't agree with the view that it's meaningless as it is now. I think it's important.

Ms. Andrea Horwath: No, and I don't think I ever indicated that I thought it was meaningless at all, but I do still think that there is—just to be clear on the record—an accountability gap or that there is a problem that we still have within the oversight system. Yes, these amendments and the new function of the Child and Family Services Review Board attempts to resolve some of those issues,

but there still remain issues of oversight and accountability that are not addressed in our current system.

Again, just to be clear, I'm not dissing the current—I'm not saying that this is not a step; what I am saying, though, is that I would hope that the government would see the wisdom of providing full oversight in an independent fashion, so that for those cases that cannot, by mandate, and will not be able to be reviewed by the board, there is another place for people to go because quite frankly—and again, not to diminish at all the importance of children's aid societies and the good work that they do—the acknowledgement of the power that they have, I think, is extremely important, in terms of how it affects children and families. That was the point.

Anyway, I do thank you for coming and giving your responses to the questions. There are a couple of other ones, but I think really at this point, it's a matter of having gotten some of those issues on the record, and I appreciate that you were as frank about them as you were. Thank you very much.

The Chair (Mrs. Julia Munro): Mrs. Van Bommel.

Mrs. Maria Van Bommel: Thank you very much, Chair, and I want to say thank you very much, Ms. Scott, for being here today and for applying for the position. I think that the board will benefit greatly from your involvement as vice-chair.

The Chair (Mrs. Julia Munro): That concludes the questions. I certainly appreciate you coming here today.

WALTER SENDZIK

Review of intended appointment, selected by official opposition party: Walter Sendzik, intended appointee as member, Liquor Control Board of Ontario.

The Chair (Mrs. Julia Munro): Our second interview today is with Walter Sendzik, intended appointee as member, Liquor Control Board of Ontario.

Good morning and welcome to the committee. As you may have observed, you have a few minutes in which to make any statement you wish, and then we'll take questions from the members of the committee. Begin when you're ready.

Mr. Walter Sendzik: Good morning. Thank you, Madam Chair, and members of the Standing Committee on Government Agencies for this opportunity to present my credentials. My name is Walter Sendzik, and I would first like to say that I'm honoured to be considered for appointment to the LCBO board. I understand that each of you has a copy of my CV; therefore, I will focus on those aspects of my background that I believe are most relevant to evaluating my credentials and suitability for the position of LCBO board member.

I am currently the executive vice-president and general manager of the St. Catharines-Thorold Chamber of Commerce. During my tenure with the chamber, I have overseen the merger of the St. Catharines and Thorold chambers, which created a unified chamber with more than 1,000 members representing over 27,000 employees. The chamber is the largest in Niagara and one of the

largest in southern Ontario now. This position provides me with a very clear understanding of the business opportunities and challenges facing this part of Ontario, and the contributions that Niagara region makes to the provincial economy.

Prior to my appointment to the chamber, I briefly worked with Osprey Media, managing its Niagara magazine division. The division included Vines Magazine, a food and wine magazine I founded in 1998. Originally focused exclusively on Canadian wines, Vines evolved to include international wines. I published the magazine for six years and added other titles to the company, including wine travel magazines. During this time, I co-authored a series of books on Canadian wine with Christopher Waters. In 2004, the company was sold to Osprey Media. I no longer have any financial or editorial commitments to the magazine or to Osprey.

Over the course of my publishing career, I've had the good fortune to travel to many of the world's great wine regions, and I've even been able to visit a few of the spirit producers as well. This has given me a strong foundation in understanding the complexities of wine distribution and the global forces that shape consumer trends and competition here in Ontario.

As a resident of Niagara and a keen wine industry observer, I've also witnessed the growth of the Ontario wine industry. When I started the magazine, there were only 35 wineries in Ontario; now there are more than 120. Through Vines and my directorship on the Niagara Wine Festival, I have gained a great appreciation and knowledge of the industry and a great deal of respect for the winemakers and grape growers.

It was a colleague, friend and former member of the LCBO board, Dr. Linda Bramble, who suggested I put my name forward as a candidate for the board. Given that she was moving on to pursue wine industry opportunities and was reluctant to resign from the LCBO board, she suggested that my background in the industry and business knowledge would make me a suitable candidate for consideration for board membership.

0950

I applied online and was notified by the Public Appointments Secretariat that I was being considered. Philip Olsson, chair of the LCBO, then interviewed me at length about my interests and qualifications.

As I explained to Mr. Olsson, in addition to my experience in the wine industry and in publishing, I've served on a number of other boards. Of note, I was a founding member of the Binational Tourism Alliance, a partnership between New York state and Niagara focusing on tourism. I am currently a board member of the Hotel Dieu Shaver rehabilitation centre in Niagara and the Business Education Council of Niagara, and a member of the fundraising cabinet for the United Way in St. Catharines. There is also a host of other board and committee memberships that come with being an executive director for the St. Catharines-Thorold Chamber of Commerce.

Again, thank you for considering my appointment to the board of the LCBO. As you know, the LCBO is an important crown corporation that provides an annual source of revenue in excess of \$1 billion to the Ontario government, helping to fund health care, education, infrastructure and a host of other programs. As importantly, its high standards in responsible retailing help prevent sales to minors and intoxicated adults to ensure the safe and responsible enjoyment of wine, beer and spirits as part of a balanced lifestyle.

Thank you for this opportunity to address the committee, and I would be pleased to answer any questions.

The Chair (Mrs. Julia Munro): Thank you very much. We'll begin with Ms. Horwath.

Ms. Andrea Horwath: Thank you for coming in today to the committee. One of the issues that's been on the front burner, I guess, in terms of the LCBO is the switch to more environmentally progressive packaging, particularly around paper bags. Any opinion on that move?

Mr. Walter Sendzik: I think it's a general trend in retailing that you're seeing, whether it's at the grocery stores or at LCBO. As an environmental matter, I'm sure the LCBO is undertaking to examine the sustainability and the importance of environmental initiatives. In terms of my opinion on that, I think it's a trend that we're seeing in retail in general.

Ms. Andrea Horwath: So do you think it's a good trend or a bad trend?

Mr. Walter Sendzik: Again, looking at it from a retail point of view, you're seeing a move away from that, so obviously it's a trend that has a benefit to the environment. I imagine that, as an organization, as a corporation, they have their environmental research and it has been able to show that moving away from plastic to bags may be a more suitable move for the environment.

Ms. Andrea Horwath: All right, but you don't have a personal opinion on whether you think that's a good way to go or not?

Mr. Walter Sendzik: At this point in time, I bring my own bags for retail shopping, so that would be a personal opinion. I prefer to use my own bags.

Ms. Andrea Horwath: So you're trending with the trend?

Mr. Walter Sendzik: Yes.

Ms. Andrea Horwath: That's good to know. It took me a lot to get it out of you, but nothing to be embarrassed about, I would say.

Mr. Walter Sendzik: I like plastic when I have to go for a dog walk, but that's about it.

Ms. Andrea Horwath: Yes, me too. Paper doesn't quite work for that. That's very good.

One of the other issues that's outstanding currently—actually, it's been on the burner for a long time—and creates significant debate and discussion is the issue of agency stores. Can you tell me what you know about that rather controversial issue and give me an overview of your perspective?

Mr. Walter Sendzik: Really, what I know is what I've gathered from the media. I'm aware of agency stores and where they exist. In my own catchment area, there are no agency stores. I think there's one out in Vineland. As to my overall impression of them, I don't really have an opinion at this point from a corporate perspective or a board perspective. It's not something that I've looked into, so I don't really have in-depth knowledge on the agency store system itself.

Ms. Andrea Horwath: It's interesting, because the agency stores were first introduced as a solution in more remote communities—maybe not remote, but communities that don't have the population to support a full LCBO store. I guess the trend over the last several years has been to introduce agency stores more and more into southern Ontario as a way to provide service without providing the actual LCBO store itself. This has raised issues, particularly for the workforce, but also concerns about differences in hours of operation and those kinds of matters.

I'm wondering if you have any kind of perspective on whether agency stores would be unfairly competitive, if you will, by holding hours that are different from the hours that are held by an LCBO outlet.

Mr. Walter Sendzik: Again, it is a good question. It's something that I haven't formed an opinion on, as I haven't been privy to the knowledge or the reasons behind their choosing of hours. It's something that as a board member I'd be very interested in looking into.

I do know, from an agency perspective—and I may be confusing these, but there's an agency store in Vineland and it does have a number of VQA wines that wouldn't be widely available through other parts of the region. So that has been a benefit just in terms of availability for the tourists coming through who can't hit all the wineries there are. On that stretch of 35 wineries, they can't hit every one, so they're able to go to that smaller agency store to access those wines. That's the extent of what I know about it, but as a board member I'd be very interested to see where they're going with it and the rationale behind some of their reasoning.

Ms. Andrea Horwath: It would be hard to hit all those wineries in one go. I grew up in Stoney Creek and I've done that wine tour a couple of times—never driving, though.

You indicated that you began the process of applying for this position through informal discussion and then the Internet, but in this committee we often want to have an understanding of whether or not there is any other kind of political connections with appointees and the government of the day. So are you a member of any political party at this point?

Mr. Walter Sendzik: At this point, no.

Ms. Andrea Horwath: Have you ever been a member of a political party?

Mr. Walter Sendzik: Yes, I have been.

Ms. Andrea Horwath: Can you tell me which political party you were a member of—or parties?

Mr. Walter Sendzik: Parties, plural. Again, due to my job, I'm not allowed to hold memberships, as we remain bipartisan. Previously, I have been a Liberal card-carrying member. Of note, I've also participated in a number of different fundraising events that have crossed the different political boundaries, through my current position, in order to access members, to promote, provide or update people with the ability to move agendas along on business issues. I have been a card-carrying member of the federal Conservatives for a period of time due to a golf tournament that I participated in. I was on that.

Ms. Andrea Horwath: Golf tournaments usually mean money, which is a good segue to my next question: Have you ever donated to political parties, and if so, which ones and what kinds of sums?

Mr. Walter Sendzik: In terms of my position over the past two years, I have donated to a number of different fundraising events that would be political in nature. I would be paying for them myself, and those would be both Liberal and Conservative events. Again, it's an opportunity for me to bring the issues of my membership to those who are in a position of authority. So I've been to a number of different ones.

Ms. Andrea Horwath: So you don't have an amount of money that you might have donated?

Mr. Walter Sendzik: No, I don't.

Ms. Andrea Horwath: You're the executive director of the chamber of commerce for—

Mr. Walter Sendzik: St. Catharines-Thorold.

Ms. Andrea Horwath: St. Catharines-Thorold. And that's a paid position?

Mr. Walter Sendzik: Yes.

Ms. Andrea Horwath: The chamber does not purchase the tickets on your behalf for these kinds of events?

Mr. Walter Sendzik: I would purchase them myself and then the chamber would reimburse. I might be confusing the federal and provincial regulations, but I don't think businesses are allowed to—

Ms. Andrea Horwath: That would be federal.

Mr. Walter Sendzik: Okay, so that would be my confusion. That's where I would pay for it myself. Then the chamber would reimburse.

Ms. Andrea Horwath: Oh, I see, so you're following the rules.

Mr. Walter Sendzik: Trying.

Ms. Andrea Horwath: Well, that's good to know. Okay, thank you very much. That's all I have.

The Chair (Mrs. Julia Munro): Thank you. We'll go to Ms. Van Bommel.

Mrs. Maria Van Bommel: Thank you, Mr. Sendzik, for appearing before the committee. I think your sense of humour, as you demonstrated earlier, is going to stand you in good stead as you go forward with this. Thank you.

Mr. Walter Sendzik: I appreciate that.

The Chair (Mrs. Julia Munro): Now we will go to the official opposition. Ms. MacLeod.

Ms. Lisa MacLeod: Just to clarify the record, going to a Conservative golf tournament by no means suggests that you are a card-carrying member of our party. Do you believe your political connections with the Liberals and your affiliations would affect your ability to make non-partisan decisions when it comes to this board?

Mr. Walter Sendzik: No, definitely not. I think something I've learned quite well over the past two years is that being bipartisan is understanding the issues, being fully knowledgeable of the decisions that are being made and removing any kind of partisanship out of any decision that I have to make. It's incumbent upon me in my job, and I think it's something that I've learned well over the past number of years.

Ms. Lisa MacLeod: What do you see as some of the major challenges facing the board?

Mr. Walter Sendzik: Facing the board: There's the new strategic plan that will be coming out. I know that the current strategic plan will run through to—it's final at the end of 2008, so I imagine that there will be the second strategic plan. I don't know what the focus in that will be, but I think you're seeing the environmental issues at the forefront. I think the social responsibility, the role that the LCBO plays, is vitally important to Ontario, and also in terms of the development of the industry as a whole, whether it be the Ontario wine industry or the industry of providing the retail market for alcohol distribution. Those are key areas that are going to continue to play a role, moving forward over the next five years as well.

Ms. Lisa MacLeod: Thank you. My colleague, do you have any questions?

Interjection: No, thanks.

The Chair (Mrs. Julia Munro): That concludes the questions. Thank you for coming today.

Now we will deal with concurrences. We will now consider the intended appointment of Jennifer Scott, the intended appointee as member and vice-chair, Child and Family Services Review Board/Custody Review Board.

Mrs. Maria Van Bommel: I move concurrence in the appointment of Ms. Jennifer Scott.

The Chair (Mrs. Julia Munro): Concurrence in the appointment has been moved by Mrs. Van Bommel. Any discussion?

Mr. Michael A. Brown: Recorded vote.

The Chair (Mrs. Julia Munro): Recorded vote.

Ms. Lisa MacLeod: Madam Chair, under the standing orders, we're entitled to a 20-minute recess for every recorded vote, and I'd request at this time that we have that recess.

The Chair (Mrs. Julia Munro): All right; that's fine. We'll recess for 20 minutes.

The committee recessed from 1000 to 1020.

The Chair (Mrs. Julia Munro): I call the committee to order. Any other discussion? If not, all in favour?

Ayes

Albanese, Brown, Hillier, Horwath, MacLeod, Ramsay, Sandals, Van Bommel.

The Chair (Mrs. Julia Munro): Opposed? Seeing none, the motion is carried.

We will now consider the intended appointment of Walter Sendzik, intended appointee as member, Liquor Control Board of Ontario.

Mrs. Maria Van Bommel: I move concurrence in the appointment of Walter Sendzik.

The Chair (Mrs. Julia Munro): Any discussion?

Mr. Michael A. Brown: I'd like a recorded vote.

Ms. Lisa MacLeod: A 20-minute recess.

The Chair (Mrs. Julia Munro): The committee is recessed for 20 minutes.

The committee recessed from 1021 to 1041.

The Chair (Mrs. Julia Munro): I'd like to call the committee back to order, please. We have had con-

currence moved. Any other discussion? If not, all in favour?

Ayes

Albanese, Brown, Horwath, MacLeod, Ramsay, Sandals, Van Bommel.

The Chair (Mrs. Julia Munro): Any opposed? Seeing none, the motion is carried. This concludes our business on intended appointments.

I would just indicate to you that in reference to the final point on the agenda, we will have a subcommittee meeting early next week. At that point, for next week's meeting, which will begin at 9 a.m., we will have a subcommittee report to bring to you.

Thank you. The committee stands adjourned.

The committee adjourned at 1042.

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