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**Official Report
of Debates
(Hansard)**

Tuesday 10 June 2008

**Journal
des débats
(Hansard)**

Mardi 10 juin 2008

**Standing Committee on
Government Agencies**

Intended appointments

**Comité permanent des
organismes gouvernementaux**

Nominations prévues

Chair: Julia Munro
Clerk: Douglas Arnott

Présidente : Julia Munro
Greffier : Douglas Arnott

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Tuesday 10 June 2008

Mardi 10 juin 2008

The committee met at 0900 in room 228.

SUBCOMMITTEE REPORTS

The Chair (Mrs. Julia Munro): I'll bring the committee to order, and good morning. We are going to begin our agenda this morning with the report of the subcommittee on committee business, dated Thursday, June 5.

Mrs. Liz Sandals: I move that the report of the subcommittee dated Thursday, June 5, 2008, be adopted.

The Chair (Mrs. Julia Munro): Thank you. Any discussion? If not, all in favour? Opposed? The motion is carried.

Our second order of business is the report of the subcommittee on committee business dated Tuesday, June 3, and Monday, June 9, relating to agency reviews.

Given that we have witnesses scheduled before us, I would suggest that we postpone consideration of the second subcommittee report until the end of today's meeting. Agreed? Okay, thank you very much.

Mrs. Liz Sandals: Can we do the report?

The Chair (Mrs. Julia Munro): I was just going to say that since we were trying to accommodate our guests and they're not here, could we move to the subcommittee report of Tuesday, June 3 and Monday, June 9?

Mrs. Liz Sandals: I move that the report of the subcommittee dated Tuesday, June 3, and Monday, June 9, be accepted.

The Chair (Mrs. Julia Munro): I need to ask you to read it into the record.

Mrs. Liz Sandals: The whole report?

The Chair (Mrs. Julia Munro): The whole report.

Mrs. Liz Sandals: Your subcommittee on committee business met on Tuesday, June 3, and Monday, June 9, 2008 to consider the method of proceeding on agency reviews, and recommends the following:

That the list of agency reviews to be conducted during the summer and winter recesses be revised to read as follows—two selections per caucus:

Selections of the official opposition:

Ontario Educational Communications Authority (TVOntario)

Ontario Racing Commission.

Selections of the third party:

Ontario Securities Commission

Ontario Infrastructure Projects Corporation (Infrastructure Ontario).

Selections of the government caucus:

Human Rights Tribunal of Ontario
Ontario Trillium Foundation.

(2) That the committee meet on September 11, 17, and 18, 2008, to conduct its agency reviews and on September 12, 2008, to conduct its follow-up reviews, subject to change and witness availability.

(3) That the order for consideration of the selected agencies in round one during the summer recess be:

First: Ontario Educational Communications Authority (TVOntario)

Second: Ontario Infrastructure Projects Corporation (Infrastructure Ontario)

Third: Ontario Trillium Foundation.

(4) That the committee advertise the agency reviews on the Ontario parliamentary channel and on the Legislative Assembly website, and that any additional decisions regarding advertising be made by the subcommittee on committee business.

(5) That the subcommittee on committee business be authorized to meet to determine whether any travel would be involved in conducting the agency reviews.

(6) That up to one day of hearings be allotted per agency review, subject to extension by a majority vote of the committee.

(7) That the committee meet from 9 a.m. to 12 noon and 1 p.m. to 4 p.m. when conducting agency reviews, subject to change in witness availability.

(8) That the committee meet from 9 a.m. to 1 p.m. when conducting its follow-up reviews on September 12, 2008, and that up to two hours be allotted per follow-up review, subject to change in witness availability.

(9) That the research officer provide committee members with an introductory briefing of up to 30 minutes in closed session at the start of each agency review and follow-up review.

(10) That the agency chair, CAO and agency staff be invited to make a presentation to the committee on behalf of each agency selected.

(11) That each agency be allowed a five-minute opening statement, to be followed by questioning in rounds by each caucus.

(12) That one half-day, from 1 p.m. to 4 p.m., be allotted for stakeholder presentations if required, and that 30-minute presentation times be offered to stakeholder groups if required.

(13) That each caucus provide the clerk, by July 31, 2008, with a prioritized list of 12 stakeholder groups and

up to four alternate stakeholder groups per agency review that they wish to invite to appear before the committee.

(14) That each agency reviewed in round one be invited to appear before the committee for one additional hour per agency during the committee's regular meeting times in the fall session in order to respond to the stakeholder presentations.

(15) That a questionnaire be sent to each agency selected, indicating a deadline by which responses are to be submitted to the clerk of the committee.

(16) That the research officer prepare background papers on each agency selected prior to review by the committee, and that the research officer prepare summaries of the hearings prior to report writing by the committee.

(17) That the background information provided to the committee by the research officer contain information on any bills before the House, press releases and/or articles relating to the selected agencies.

(18) That the clerk of the committee, in consultation with the chair, be authorized, prior to the passage of the report of the subcommittee, to commence making any preliminary arrangements necessary to facilitate the committee's proceedings.

The Chair (Mrs. Julia Munro): Discussion?

Mr. Michael Prue: In number 13, I'm not sure—the list I have says, “prioritized list of two stakeholder groups,” and I heard “12.” I'm not sure which one it is. I just want to be clear.

Mrs. Liz Sandals: Two is correct. I thought 12 was awfully much. I'm reading this for the first time, Michael. Two is correct.

I've just got one comment. As I just said, I'm not really on the committee, but just to note that on number 2, the dates seem a little bit odd in that we seem to be suggesting follow-up reviews before we've done all the initial agency reviews: 11, 17, and 18 and then follow-up on the 12th. The other observation is that I'm not sure that we, as a committee, can select the dates anyway. The committee dates would be agreed upon by the three whips in laying out the entire summer committee schedule. So I think we just need to note that the whips would be dealing with the dates, that it won't necessarily be these dates.

The Chair (Mrs. Julia Munro): It's our role to offer these to them. Obviously, it's subject to the House leaders in that final decision.

Mrs. Liz Sandals: Could you explain, because I wasn't there then, why the 12th was chosen for follow-up?

0910

The Chair (Mrs. Julia Munro): The follow-up refers to last year's—

Mrs. Liz Sandals: Okay. Now I understand.

The Chair (Mrs. Julia Munro): So that's why it would look odd that we're having a follow-up before—

Mrs. Liz Sandals: Okay. Now I understand.

The Chair (Mrs. Julia Munro): Any other questions about the materials here? All right. Seeing none, all in favour of the subcommittee report? Opposed? The

motion is carried. Thank you very much. And thank you, to the member, for a rather long subcommittee report.

I'm just getting direction here as to whether or not our intended appointees are here. I'm advised that our candidates are having difficulty getting here and so—yes, I think we do have someone. Just a moment. All right. I'm advised that we have our second intended appointee for this morning.

INTENDED APPOINTMENTS

JAVAID KHAN

Review of intended appointment, selected by official opposition party: Javaid Khan, intended appointee as member, Council of the Ontario College of Pharmacists.

The Chair (Mrs. Julia Munro): I would ask Mr. Javaid Khan, who is the intended appointee as member, Council of the Ontario College of Pharmacists, to please come forward and join us.

Good morning, and welcome to the committee. You have an opportunity to make some statements yourself and then we will have questions from the various members of the committee. When you're ready, please begin.

Mr. Javaid Khan: Honourable members of the standing committee, Chair, Vice-Chair and ladies and gentlemen, good morning. It is my extreme pleasure to be here today in front of all of you to answer any questions that you may have regarding my appointment as a member of the Council of the Ontario College of Pharmacists.

My name is Javaid Khan. I'm married, with three beautiful daughters. The eldest one has completed her education and is presently working as an executive assistant to the president of a Toronto IT company. The second one has graduated with a four-year B.Sc. honours degree, with distinction, from York University and has been accepted at the University of Toronto master's program in occupational therapy. The youngest one has completed her second year at York University, majoring in law and society.

I immigrated to Canada in 1974 and lived in Montreal until 1986 before making Toronto my home. I have been a resident of the town of Markham since 1987. I have a diploma in hotel management from Concordia University in Montreal. During my hospitality career, I held the positions of food and beverage manager, assistant financial controller and hotel duty manager.

I moved to Toronto in 1986 and, after taking some short courses in computer programming, I joined Aetna Canada and the Imperial Life Assurance Co. of Canada as a systems analyst. In 1989, I joined the Ontario Real Estate Association and the Toronto Real Estate Board as a licensed real estate professional. During my 19 years in the real estate business, I have been blessed with numerous performance and achievement awards. In 2004, I was also awarded the Who's Who community service award and, in May 2008, the community service award for outstanding support and service to the community.

Besides my involvement in the community, I have been a member of regulatory bodies like the Canadian

Society of Immigration Consultants and the Real Estate Council of Ontario. I have also served for two years on the town of Markham's Milliken Children's Festival committee, and I've been on the Markham Canada Day committee for the last nine years. I was also appointed to the Markham Race Relations Committee by Mayor Frank Scarpitti, and I am a member of the policy subcommittee. I'm currently serving as the president and the chair of the board of directors of the Islamic Foundation of Toronto, a non-profit organization with NGO status.

I was a member of the Ontario Liberal Party in the past, but I have supported candidates from the Progressive Conservative Party and the NDP when I thought that their manifesto and mandate appealed to me. I also helped in the election campaigns of any candidates whom I supported without looking at which party they belonged to. I can speak English, Urdu, Punjabi, Swahili—which is an east African language—and some French.

In the end, I would like to say that, being self-employed, having community involvement experience and being on the board of regulated and unregulated public committees, I want to bring my experience and my expertise to contribute to the benefit of the Council of the Ontario College of Pharmacists. It will be an honour for me to be a member of this council. Thank you very much.

The Chair (Mrs. Julia Munro): Thank you very much. This morning we will be commencing our questions with the official opposition.

Mr. Randy Hillier: Good morning. Thank you very much for coming here today and being a little bit earlier than some of the other ones.

You mentioned you had been a member of the political parties. Have you also contributed to political parties in this province? If so, which ones?

Mr. Javaid Khan: I only contributed up to the point of the annual membership dues. I think I haven't done that for the last couple of years.

Mr. Randy Hillier: But you've not donated to—

Mr. Javaid Khan: I haven't donated any money.

Mr. Randy Hillier: How did you find out about this? I see that you've applied for a number of other appointments.

Mr. Javaid Khan: Yes, I did.

Mr. Randy Hillier: How did you come to be aware of those appointments, this one particularly?

Mr. Javaid Khan: Through the Public Appointments Secretariat. Also, I have some friends who are on the committee, like Dr. Thantri. He's a member of one of the committees. We meet in the mosque, and he mentioned that with my experience in the committees and in policy-making with the town of Markham—he actually asked me if I could bring my expertise to the provincial level and contribute to these committees, where at least my thoughts would be counted.

Mr. Randy Hillier: As I was going through it, you do have a very good background, but you don't have very much expertise in the pharmacy business, one might say. How do you feel that that is going to affect your

decision-making and your review and analysis of things that come before you, without that background and experience?

Mr. Javaid Khan: If I'm not mistaken, there will be a president and vice-president on the committees. I think I'll be taking my direction from them. By looking at what other committees we do have—as I was going through the information, what I came across was that, besides the executive committee, there are lots of other committees where I might be put to use, to use my expertise and to contribute, of which I'd like the discipline committee, the fitness-to-practise committee and the quality assurance committee. With my organizational skills working in the positions of manager and the president of the largest organization in Canada, the Islamic Foundation of Toronto, I think I will be more than happy to contribute to those committees and at the same time take my direction from the committee.

Mr. Randy Hillier: Did you have any interviews with anybody from the ministries or from the college before applying?

Mr. Javaid Khan: No, I did not have an interview, but I was interviewed over the phone to make sure that I know what's demanded out of this position. That's the only thing, and I took some notes on the computer from the Internet to go through the information provided to me.

Mr. Randy Hillier: Okay, thank you. That's all for me.

0920

The Chair (Mrs. Julia Munro): Ms. Scott.

Ms. Laurie Scott: I thank you again for appearing before us today. I wanted to follow up a little bit—there's been quite a lot of discussion about pharmacists. There's rural and urban. Mr. Hillier and I represent predominantly rural ridings. I notice the composition of the board: I think there are nine members—actually, 10—from the GTA on the board right now, on the council. I just wanted to highlight that because we do have some specific concerns in rural Ontario with our pharmacists being able to keep the doors open with the regulatory changes that have come down from the government. I didn't know if you were aware of that issue and, if not, I was kind of highlighting that issue to you today. I didn't know if you had any comment.

Mr. Javaid Khan: As far as our rural areas are concerned, I think my objective and my views will be that we should pay as much attention as possible to our rural areas, the pharmacies and the practitioners in those areas. The best way to do, I think, is that we should take the input from them and have regular meetings and communications open with those areas to see what their demands are or where we are lacking any services to those areas.

Ms. Laurie Scott: Pharmacists and their changing of the scope of practice and that they may possibly be able to change the scope of practice so that they write prescriptions has been in the newspapers lately. In rural Ontario—for example, in my riding I have over 35,000

people without a doctor. Do you have any comment on how you feel about maybe the pharmacists changing the scope of practice? I realize you're a public appointee on the board, but I just didn't know if you'd followed that issue a bit.

Mr. Javaid Khan: Yes, I've heard about it. I know it isn't being publicly talked about, but my view would be that it will be the policy-making of the people in this department and in the ministry in consultation with the public. I will take whatever decisions come from the chair and the vice-chair and the people concerned. I will go by their suggestions to me as a member of the committee.

Ms. Laurie Scott: Okay. Thank you very much. I'd just like to re-emphasize the point that there are a lot from the GTA area who sit on the council, so as long as you keep rural Ontario and its specific needs in mind, I'd appreciate that. Thank you.

Mr. Javaid Khan: You're welcome.

The Chair (Mrs. Julia Munro): We'll move on to Mr. Prue.

Mr. Michael Prue: Just a couple of questions. I'm not exactly sure, looking at your professional and employment background—are you in fact making your living today as a real estate agent?

Mr. Javaid Khan: Yes, sir.

Mr. Michael Prue: Okay. And it looks like you've made your living as well as an immigration consultant between 1994 and 2007. Was that part-time or full-time? How did those two jobs jibe?

Mr. Javaid Khan: Actually, I have one office and I conduct my business out of that office, and it goes hand in hand. But for my primary livelihood I depend on my real estate transactions.

Mr. Michael Prue: You were a member of the immigration consultants association—

Mr. Javaid Khan: The Canadian Society of Immigration Consultants.

Mr. Michael Prue: —CSIC, from 2006 to 2007. Are you still a member?

Mr. Javaid Khan: No. Actually, as you said, it was becoming difficult for me to run the immigration business as well as real estate. As you know, real estate in the last three or four years has been great. So I made my choice to let the immigration business go and keep on practising as a professional realtor.

Mr. Michael Prue: I just want to be sure: You left the business voluntarily, and did you leave the society of immigration consultants voluntarily?

Mr. Javaid Khan: I left it voluntarily, yes.

Mr. Michael Prue: All right. So there was no bad blood? They didn't kick you out or anything like that?

Mr. Javaid Khan: No.

Mr. Michael Prue: Okay. I know that quite a few have been, so I just want to make sure you're not one of them.

The job that you are requesting to have is completely out of your line of expertise over many years. What

motivated you to want to get into pharmaceutical? Or was this just a committee that was available?

Mr. Javaid Khan: If I'm not mistaken, I applied in three categories: the council of doctors and surgeons, psychologists, and pharmacists. I was approached by the Public Appointments Secretariat that this will be appropriate for me, in the sense that it will still bring in my expertise on the Markham regulatory bodies where I am a member. I have been contributing to those committees for the past 10 years.

Mr. Michael Prue: Part of the duties, should you get the position, would be to sit on the board, but you may be called upon to function in a quasi-judicial role, with respect to suspension and revocations of certificates. Have you ever had any experience sitting on a quasi-judicial body?

Mr. Javaid Khan: I have dealt with many mediation and reconciliation matters while I was on the board of directors of the Islamic Foundation. As I said, being on the Markham race relations committee, we were also looking into the liaison between the York Regional Police department and the youth in our riding.

Mr. Michael Prue: When you were an immigration consultant, did you appear at all, ever, before the immigration refugee board or immigration refugee determinations or any of those?

Mr. Javaid Khan: No, I haven't.

Mr. Michael Prue: So, that did not allow you to interact with a quasi-judicial body at that function that you did?

Mr. Javaid Khan: Not through the Canadian Society of Immigration Consultants, no.

Mr. Michael Prue: Those would be my questions. Thank you.

The Chair (Mrs. Julia Munro): We'll move to the government.

Mrs. Liz Sandals: Thank you, Mr. Khan, for coming in. You've obviously got a wealth of experience in the community and with regulatory agencies. So thank you very much, and we wish you well.

Mr. Javaid Khan: You're welcome.

The Chair (Mrs. Julia Munro): Thank you very much. That concludes our questions. We appreciate your being here and being able to accommodate us a little out of the original time schedule.

Mr. Javaid Khan: It was my pleasure. Thank you very much.

The Chair (Mrs. Julia Munro): I've been advised that our next interview is probably going to be about 10 minutes from now, so I'm going to call a recess for 10 minutes.

The committee recessed from 0926 to 0936.

PAM FROSTAD

Review of intended appointment, selected by official opposition party: Pam Frostad, intended appointee as member, Ontario Racing Commission.

The Chair (Mrs. Julia Munro): I would like to invite the intended appointee as member of the Ontario Racing Commission, Pam Frostad, to come forward.

Good morning, and thank you for being able to join us at this point and take part directly. As you may know, you have an opportunity to provide some comments first, and then we'll have questions from the members of the committee. Welcome, and you may begin.

Ms. Pam Frostad: Thank you very much. Good morning to the Chair and to the committee. I've been called to appear before the committee regarding my intended appointment to the racing commission in the role of a commissioner. You will have reviewed my application and had an opportunity to absorb some knowledge of my personal background, my professional experience and expertise and why I feel confident that I am a strong candidate for this position. However, I would like to take a few moments just to elaborate.

It has been truly a great pleasure and privilege for me to experience some level of involvement in the world of horse racing for well over 30 years. From the beginning, I became an avid fan of the entertainment value of the sport, and over the years my relationship with the industry evolved as a sometime racehorse owner, breeder, industry marketer, volunteer fundraiser and currently working with my husband, who is a thoroughbred horse trainer as well as a director of the Woodbine Entertainment Group. My husband has worked in horse racing, in various capacities, throughout his entire career. However, my primary professional life has revolved around the world of advertising and marketing.

Over two decades, I have attained management status as a writer and creative director for leading advertising agencies and marketing organizations. I've managed departments and directed teams that were responsible for campaigns for everything from packaged-goods products to retail services to government ministries. Happily for me, at one point in my career, our account roster included the world of horse racing. We were commissioned by the Ontario Jockey Club to produce advertising on behalf of the harness and thoroughbred industry. That relationship evolved and the Ontario federation of marketers asked us to produce a television campaign, which was picked up throughout North America and was a very interesting exercise.

Once again, it gave me an opportunity and an insight into another side of the horse racing industry, which was a wonderful opportunity for me. I became aware of aspects of the industry that had never occurred to me—the real public perception, the internal dynamics and the competitive positioning of the racing industry. Furthermore, as a senior executive, I've been responsible for the day-to-day management of department personnel. I've dealt with the challenges of human resources, relentless deadlines, client service issues, and, of course, stringent performance accountability.

My involvement in horse racing, though, has meant exposure to racetrack life over three decades, across Canada, throughout the US and even Japan. It's taken me

on a great adventure. It's taken me from the shed rows of the backside barns to the turf clubs to the grandstands to the farms, and I've met all kinds of fabulous personalities, both equine and other kinds. They've all come together in a pretty fabulous way to create a very complex and gorgeous industry, but one that is facing a rapidly burgeoning, changing menu of challenges, not unlike, of course, many other quadrants that you folks are dealing with, but they certainly have an intensity around that issue.

It's certainly a long way from the time in the 1970s when I took my first trip out to Woodbine, or that first farm in Beamsville. We witnessed the proliferation of teletheatre betting, offshore betting, Internet wagering, the whole pharmaceutical issue, the television racing network—you can stay at home and enjoy that—casino-racing partnerships, that symbiotic relationship that is forging positively ahead for all of us, the new synthetic racing surfaces and just a stunning menu of competitive entertainment options for the fan base, and much, much more on the horizon.

I've always been struck by the resilience, the work ethic and the passion for the product throughout the horse-racing industry—the beautiful horses, the very talented trainers, jockeys and drivers and the thousands—in fact, I think there are more people working in the racing industry than the automotive industry in this province. You can correct me on that, but I was just thinking that as I sat here. They care so deeply about their community and they deserve a culture of integrity, stability, predictability and all the good things that any industry deserves. As well, the lifeblood of the industry—the betting public, the generations of loyal fans who love the sport of handicapping and who respect the horses and horsemen who generate that entertainment for them—also deserve a product with absolute honesty and integrity.

The mandate of the racing commission has never been more critical, more core, to the ongoing success of the racing industry. I'm personally committed to maintaining that integrity, and I genuinely hope that I will have the opportunity to sit as a commissioner on the Ontario Racing Commission. With that in mind, thank you very much.

The Chair (Mrs. Julia Munro): Thank you. We're going to begin our questioning with the third party. Mr. Prue.

Mr. Michael Prue: I don't know why you've been called here today. It seems that you have everything we could possibly want in a commissioner.

Ms. Pam Frostad: Thanks.

Mr. Michael Prue: I guess the only question I have is around the future. Where do you see the future of racetracks? I know that there was a time that it looked like they may be going under, until the slot machines arrived. Now it looks like everything is fine. Or is it fine? Are the racetracks, the owners of the thoroughbreds—is there enough money coming out of slot machine revenues to sustain this industry? Is more needed?

Ms. Pam Frostad: Wow, you know what? The scope of that question—it's a core question. Racetracks are apples and oranges; one racetrack is not the other race-track. It's not a simple answer. The relationship at Woodbine is different from the one in Fort Erie. It's a complex question. I think that the economy is an issue, of course, as in any industry. The relationship between the casinos and the racetracks is a very healthy one, as I said; quite a symbiotic one. I think the future is good because the product is fabulous. The challenge really lies in the nature of compliance, being able to keep the integrity within the horse industry. You have all been watching the big races and reading the papers. I think that offshore Internet wagering—you need to be able to have the money coming in to sustain your plant and your operation rather than on the Internet, where they can get a much more economically efficient bet.

That's my complicated answer to a question that—I think the future is positive, because we're attracting people who are standing up for the industry, people who can accomplish things and they care about it. From that standpoint, I think that's always a good time for any industry, so yes, I do think it's positive.

Mr. Michael Prue: Okay. In this job, from time to time, as a commissioner you will have the power to suspend violators or to impose and collect fines. Having been around the race industry for 30 years, you must know a great many of these people. Do you have any feelings about, or any difficulty in your head with, having to impose fines or suspend licences for people you've known, or know, or race against or are friends with?

Ms. Pam Frostad: I think you're basically talking to the conflict-of-interest issue, and there's no doubt in my mind that if I had any sense that any of my relationships would impact on my ability to adjudicate I would take myself out of that particular situation. I'm sure that the commissioner or the chairman of the commission would also remove me from any panel if he or she felt I would have an issue. So I don't think that would be a scenario that I would have to deal with. On a moral—if you're asking me as a human being, I have no problem doing the right thing.

Mr. Bruce Crozier: Good morning, and welcome to the committee. My question may be a little parochial, but are you familiar with Windsor Raceway?

Ms. Pam Frostad: Yes.

Mr. Bruce Crozier: We've had a problem, or I see a problem—because I'm from rural Ontario and horse breeding and horse raising is important to our economy—

Ms. Pam Frostad: Absolutely.

Mr. Bruce Crozier: —with Windsor Raceway in particular, but I think it may be at other tracks as well. There is always this question of dates, and it would appear that some track owners generally are trying to reduce the race dates, whereas the horse people want to race more and they want to keep their horses in the area.

The commission plays a vital role in that. What will you use as a kind of benchmark as to whether race dates

should be reduced, stay the same or increased at various tracks?

Ms. Pam Frostad: It's a critical issue, obviously. Given that I live with a thoroughbred horse trainer—I think you want to keep people working. That has to be the goal. We want to keep people working at the track, on the farms, everywhere. That has to be the first priority. Having said that, you want them to be working in the best possible conditions.

0950

I don't know Windsor Raceway's particulars. I'm from London. I know the whole area, so I have lots of empathy for that part of the world. I'd have to listen to it. The horsemen want to work, but it's tough when you're up at 5 in the morning, seven days a week, then you're back racing, and then you've got to drive your horses back to the farm in the harness. We have to weigh all of those things as an industry. That's my answer at this point.

Mr. Bruce Crozier: Just one added comment: Were you disappointed that Big Brown didn't do it in the race last Saturday?

Interjection.

Mr. Bruce Crozier: I had actually been in Lexington last week and took a picture of Three Chimneys, where Big Brown is going to go to stud. I still hope he goes there.

Ms. Pam Frostad: Yeah, me too. I was.

Mr. Bruce Crozier: Thank you.

Ms. Pam Frostad: You're very welcome.

Ms. Laurie Scott: Thank you very much for appearing here. You do have an extensive background with the racing industry. I have a little bit of a follow-up to what was highlighted with Windsor and Fort Erie being in some trouble and being allotted some money to help with infrastructure needs and to rebuild.

In the background that was kindly provided by the research staff here, it mentions that the industry's share of slot revenues is the smallest of any slot machine program in North America. I don't know if you were aware of that, but I didn't know it till I read it here. I don't know if you saw that the government may have to take a look at that if more of our racetracks become in trouble. I know that when the slots were added to the racetracks, it saved my track in my riding of Haliburton-Kawartha Lakes-Brock then. But I just wondered, because of the different factors, if that was a possible consideration, that maybe you have to look at the whole restructuring.

Ms. Pam Frostad: Restructuring of the—sorry.

Ms. Laurie Scott: The monies that are allotted, like the share of the slots to the race industry.

Ms. Pam Frostad: With respect to Fort Erie, what I think is of more interest is the government's \$2-million grant to get them on their feet, really. I think that is money well spent. I know that's also dedicated to creating some sort of entertainment complex around that, which will shore up that issue, because there are other relationships. In other words, it's not just, "Here's the casino, there's the racetrack"; it's also hoped that around

that, there will be entertainment complexes, hotels and restaurants. It will become an entertainment menu. I think that will offset just the two of them having to shore each other up—that relationship. I don't really have enough of an understanding about the inner workings of that whole scenario to give you a decent answer. My apologies.

Ms. Laurie Scott: That's okay. It's a learning curve when you get on the boards; I realize that.

Ms. Pam Frostad: But I am aware of the broad scope of those details, yes, and I love Fort Erie.

Ms. Laurie Scott: Well, I'll have to do a tour. I haven't been there myself.

Ms. Pam Frostad: It's a great track. It's a pretty, pretty track.

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

Ms. Pam Frostad: You're very welcome.

The Chair (Mrs. Julia Munro): That concludes the questions from the members. Thank you for coming today and being agreeable to changing your time.

Ms. Pam Frostad: Hey, no worries. Thank you.

WILLIAM MURRAY

Review of intended appointment, selected by official opposition party: William Murray, intended appointee as member, Social Benefits Tribunal.

The Chair (Mrs. Julia Munro): I'd like to ask Mr. William Murray, the intended appointee as member, Social Benefits Tribunal, to come forward.

Good morning, Mr. Murray, and welcome to the committee. I think you've probably already had more than a morning's share of problems.

Mr. William Murray: I think I should have used the transportation that's provided by the industry for the last witness. I might have gotten here a little earlier.

The Chair (Mrs. Julia Munro): Thank you for your perseverance. I would like to just explain that you have a few minutes in which to make comments and then we will have questions from the members of the committee. If you're ready, you may begin.

Mr. William Murray: Thank you very much, Madam Chair and the committee, for accommodating me. I appreciate it very much.

Thank you for the opportunity to come before you today to discuss my potential appointment as a part-time member of the Social Benefits Tribunal. What motivated me to apply for this appointment is my interest in community and social issues. This is also the reason I originally joined the Liberal Party. I have been a member of both the provincial and federal Liberal parties and have donated to the party in the past.

My past employment, both as a business owner and employee at senior staff level, has provided me with many useful and transferable skills. These skills include the ability to listen and show good judgment, fairness and the absence of bias in reaching decisions, all attributes that I believe will allow me to perform the duties re-

quired of a member of the tribunal. I believe that I possess the calmness and composure to hear both sides of an issue and resolve the dispute according to the legislation as set out in the acts.

There are many issues facing low-income people in the province. These people have to make tough decisions, sometimes between food and shelter. They may have severe health issues. There is an issue of daycare, an issue of not having the abilities to support their families.

I'm aware of the problems. I know that the tribunal is in a position to adjudicate situations where people feel wronged. The responsibility of the tribunal is to make sure the appellants have a fair and open hearing. There are many barriers that people face in appearing before a tribunal. These can be social barriers, language barriers and accessibility issues for the disabled, or their fears of dealing with what they perceive as authority figures.

Appearance before a tribunal can be a very challenging experience for an appellant, and the ability to make that person feel un-intimidated and comfortable is necessary. I believe I have the ability to put people at ease and allow them to effectively and fairly present their case before the tribunal.

The legislation plays an important role in making sure that there's a fair and equitable vehicle for the public to appeal decisions that they feel are unfair. The legislation also makes sure that the interests of the taxpayers of Ontario are being protected.

I feel that the skills I have learned in the past will allow me to be an effective member of the tribunal. Thank you very much again for the opportunity.

The Chair (Mrs. Julia Munro): Thank you. We'll begin our questions with the government.

Mrs. Liz Sandals: Thank you for coming this morning, Mr. Murray, and for persevering in getting here. I take it that it's one of those days when everything is closed down and the traffic is a mess.

Just briefly, could you tell us about the interview process that you went through?

Mr. William Murray: Yes. It was an extensive interview process. I was called in, I would say, mid-March, to appear for an interview near the end of March. I was there in front of three people unknown to me: the two vice-chairs and the CEO of the tribunal. It was certainly different than I expected. It was a longer process than I expected, very challenging, and also, after being interviewed and asked questions for close to an hour—maybe a little over an hour—there was a written part of the interview as well which lasted another hour.

Mrs. Liz Sandals: So you had to demonstrate the ability to write decisions and that sort of thing?

Mr. William Murray: Yes, I did. It was a test case.

Mrs. Liz Sandals: It sounds like a very thorough process, and we wish you well. Thank you.

Mr. William Murray: Thank you.

The Chair (Mrs. Julia Munro): We'll move to Mr. Hillier.

Mr. Randy Hillier: Thank you for being here today. Just a question for my own knowledge: Does this Social

Benefits Tribunal stay in Toronto or does it travel around the province hearing these cases for adjudication?

Mr. William Murray: There are members who reside in different parts of the province, but it's based here in Toronto, and some Toronto members also do travel. There are members all across the province.

Mr. Randy Hillier: Okay. I was just wondering: Somebody on ODSP or Ontario Works, up in Frontenac county or whatever, might not have the means to come here to plead their case.

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Mr. William Murray: Yes.

Mr. Randy Hillier: So is it one individual, the closest individual on the board to that person, or—

Mr. William Murray: I haven't been there yet, but I would assume that's the case. I do know that they hold hearings in many communities across the province. Obviously a person who is on Ontario Works might not have the resources to come to Toronto. Every accommodation, in my understanding, is made to make sure that they get a fair and open hearing, at their convenience.

Mr. Randy Hillier: Okay. You mentioned also that you—I don't know if you were a member of the Liberal Party or if you are a member of both the provincial Liberal—

Mr. William Murray: I am not currently a member.

Mr. Randy Hillier: But you have donated—

Mr. William Murray: I have in the past, yes.

Mr. Randy Hillier: In the past to both? Can you give me a few of the names of people or the candidates you have donated to?

Mr. William Murray: In the Liberal Party, I can go back to—

Mr. Randy Hillier: Just the last couple of years.

Mr. William Murray: The last person I donated to was Mrs. Lougheed in a by-election in Burlington.

Mr. Randy Hillier: Okay. I see that you have had a fair bit of involvement with the Liberal Party in the past.

Mr. William Murray: I have, yes.

Mr. Randy Hillier: I won't hold that against you. How did you come to be aware of this Social Benefits Tribunal and the appointment for it?

Mr. William Murray: I was actually at the Ontario government website and wanted to look for something in the social policy field and found this board. Then, from there I contacted the office of public appointments and was told what the process or the procedure was for me to apply.

Mr. Randy Hillier: One last thing: I see you've got a fair bit of experience also in retail. But on the quasi-judicial component of this, adjudicating and things, what experience have you got?

Mr. William Murray: I don't have any formal experience, but I feel that my experiences in life and my experience in the jobs I've had and the groups and organizations I've been involved with will allow me to fairly adjudicate situations.

Mr. Randy Hillier: Okay.

The Chair (Mrs. Julia Munro): Ms. Scott.

Ms. Laurie Scott: Earlier this year or late last year—I can't remember now—the workers who administer the program, who are municipal, so mostly it's flowed through the municipality for Ontario Works and ODSP, had come to a lot of our offices complaining of the workloads, that the caseloads were extremely high. Have you heard much about that, just saying that they can't adequately serve the clients because the caseloads had been extremely high? I don't know if you had a comment on that.

Mr. William Murray: I'm sorry, I've not heard about that and I'm not aware of that. Not having been active or been at the tribunal yet, no, I've not heard that.

Ms. Laurie Scott: Okay—anyway, just something for you to look into.

Mr. William Murray: Yes. Thank you.

Ms. Laurie Scott: There certainly have been opinions concerning the relationship between social assistance rates and poverty. As we know, Minister Matthews is out doing a poverty consultation, not necessarily open to the public but to invited guests, as my colleague from the third party often mentions. I didn't know if you had any comment on that relationship between social assistance rates and the poverty that we're hearing about.

Mr. William Murray: That's a legislative responsibility, and as an adjudicator I believe you have to stay neutral and really not have an opinion. You don't want to create any biases, and quite honestly, I don't believe I have the information or the expertise to make a comment on that.

Ms. Laurie Scott: There are also some changes coming down with the Ontario child benefit, and I know we've been getting lots of phone calls in our offices too. So, just to make you aware of that issue, it's changing the structure of the funding from the winter clothes allotment and putting that in. I just wanted to make you aware that that issue is quite predominant on the ground for those who are receiving the Ontario Works or the Ontario child benefits, that they're out there and it's going to be a change for them. I know our offices are already getting calls, and that the United Way in Kawartha Lakes has sent me letters concerned about that. I just wanted to highlight that coming down the pipe to you.

Mr. William Murray: Thank you.

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

The Chair (Mrs. Julia Munro): Mr. Prue.

Mr. Michael Prue: Sitting in adjudication of poor people, who often see the rules stacked against them—special diet allowance—if you get the job, will you be able to sit there and tell them that although the special diet allowance probably doesn't work, you're going to impose it anyway because that's what you have to do?

Mr. William Murray: You're right; it's what I have to do. We have to take direction from the legislation. That's the mandate of the tribunal, as I understand it. As long as we take that direction and interpret, that's our responsibility.

Mr. Michael Prue: Some adjudicators—I'm not sure if there are any on this particular board—have gone beyond what the legislation says and have used the charter and other instruments to point out government errors. Would you be willing to do that?

Mr. William Murray: No, I don't think that would be my responsibility. As a part-time member of the board, I think my responsibility is, as I said earlier, to make my decisions based on the legislation. I'm sure that in the wording in the legislation there might well be different interpretations, and I'm prepared to make decisions and stick by my interpretations.

Mr. Michael Prue: In my experience, most of the people, although certainly not all of them, who would come before the tribunal would be people who may have psychological problems, be poorly educated or have social problems, emotional problems that stuck them into poverty in the first place. How would you deal with those separately and apart from the more general population?

Mr. William Murray: I think you have to evaluate each case individually. You have to look at what their problems are, if there are problems. You obviously have to make them feel comfortable and at ease, as much as you possibly can. You have to accommodate if it's a language problem or if it's a disability. You certainly have to make sure that if translation is required, that's available to them. You have to make sure that if they have a disability, the meeting room that you have is accessible. As I say, I think you have to take each one individually, but it certainly is a concern. Without attempting or saying that you're typecasting the individuals who are on Ontario Works or ODSP, you certainly have to accommodate each individual.

Mr. Michael Prue: How would you deal with people who are not represented by counsel versus those who are? What would you, as an adjudicator, do? What differences would you do in the running of the appeal hearing?

Mr. William Murray: I think that without attempting to lead them, obviously you have to encourage them to be comfortable; you have to encourage them to make their point. You have to make them comfortable, encourage them to present their case in a proper manner, but you certainly can't prod them or lead them in any way. You have to make sure that what they're saying is their testimony.

Mr. Michael Prue: Often, though, in the hearings that I've been at, a person is up against a member of the bureaucracy whose job is to point out the government's position. They're educated people, usually with university degrees; some are lawyers. How would you enhance the opportunity of an unrepresented person to go up against such an adversary and still get a fair hearing?

Mr. William Murray: As I say, without having been around the tribunal or been in the situation, I just feel that a comfort zone has to be created for that individual.

Again, I don't believe you can lead them. I guess you have to make sure they're aware of what the point is you're dealing with, because I imagine that in the tribunals—and I defer to yourself, who's been on a tribunal—quite often the testimony can lead away from the issue. I would have to make sure that the people are focusing on the relevant issue. These are decisions that were made by a director as much as a year or a year and a half previously. I think it's all the comfort level without prodding or leading the witnesses.

Mr. Michael Prue: Thank you very much.

The Chair (Mrs. Julia Munro): That concludes the questioning. Thank you very much for being here this morning.

Members of the committee, we will now move to the concurrences. I'm going to ask you in the order in which they appeared—

Mrs. Liz Sandals: In the order heard? Oh.

The Chair (Mrs. Julia Munro): —as opposed to the original order, so that that's clear for everyone.

Mrs. Liz Sandals: I move the concurrence in the appointment of Javid A. Khan.

The Chair (Mrs. Julia Munro): Any discussion? Seeing none, all in favour? Opposed? The motion is carried.

The second one is our third one—

Mrs. Liz Sandals: I move concurrence—

The Chair (Mrs. Julia Munro): If I could just finish.

Mrs. Liz Sandals: Oh, sorry.

The Chair (Mrs. Julia Munro): Okay, Ms. Sandals.

Mrs. Liz Sandals: I move concurrence in the appointment of Pam Frostad.

The Chair (Mrs. Julia Munro): Any discussion? Seeing none, all in favour? Opposed? The motion is carried.

We'll move to the first one, which is the intended appointment of William Murray, intended appointee as member, Social Benefits Tribunal.

Mrs. Liz Sandals: I move concurrence in the appointment of William Murray.

The Chair (Mrs. Julia Munro): Any discussion? Seeing none, all in favour? Opposed? The motion is carried.

That concludes the business of the standing committee.

I would just want to make two announcements to you. One is that, as we don't have certificates signed for next week, we will not be meeting next week. However, we do have others that are going to be before us, and that will require a subcommittee meeting, which will be called by the Chair.

This committee stands adjourned.

Mrs. Liz Sandals: So nothing next week.

The Chair (Mrs. Julia Munro): Right.

The committee adjourned at 1012.

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