



ISSN 1180-4335

Legislative Assembly
of Ontario
Second Session, 39th Parliament

Assemblée législative
de l'Ontario
Deuxième session, 39^e législature

Official Report of Debates (Hansard)

Tuesday 5 April 2011

Journal des débats (Hansard)

Mardi 5 avril 2011

**Standing Committee on
Government Agencies**

Intended appointments

**Comité permanent des
organismes gouvernementaux**

Nominations prévues

Chair: Ernie Hardeman
Clerk: Katch Koch

Président : Ernie Hardeman
Greffier : Katch Koch

Hansard on the Internet

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

Le Journal des débats sur Internet

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

Renseignements sur l'index

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.

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 AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Tuesday 5 April 2011

Mardi 5 avril 2011

The committee met at 0904 in committee room 1.

The Chair (Mr. Ernie Hardeman): Good morning. I'd like to call the Standing Committee on Government Agencies to order for the meeting of April 5. We thank you all for being here this morning. This morning's meeting is to review selections. We have two interviews this morning.

INTENDED APPOINTMENTS

MS. ROSEMARIE LECLAIR

Review of intended appointment, selected by third party: Ms. Rosemarie Leclair, intended appointee as member and chair, Ontario Energy Board.

The Chair (Mr. Ernie Hardeman): The first interview is Rosemarie Leclair, an intended appointee as a member and chair of the Ontario Energy Board. Rosemarie, if you're present, if you would take a seat at the table.

We thank you, first of all, for putting your name forward and coming to this committee for the interview.

As is the normal practice, we will allow you a few moments for some opening remarks, and then we will have questions from the three parties. Hopefully, by the time we get to that point, we will start the questions with the third party; if not, we will move to the government for the first round. We thank you again for coming in. The floor is yours.

Ms. Rosemarie Leclair: Thank you, Mr. Chair, and members of the standing committee. Let me start by thanking you for providing me the opportunity this morning to discuss my intended appointment as the chair of the Ontario Energy Board. I must say I am truly honoured and very excited to have been nominated to undertake this very important role at such a transformational time in the energy sector.

For me, this nomination is the culmination of a career in public service. It's an opportunity to go from serving the residents of my community in Ottawa to serving the people of Ontario.

As you can see from my application, which I believe has been provided to you, I have had a diverse career, primarily in the public sector and primarily in the city of Ottawa. It has been a 30-year journey of educational and professional development, and it's one that I believe has positioned me well to undertake this new assignment.

My commitment to public service dates back to the very beginning of my professional development, starting with an undergraduate degree in public administration, followed by the completion of a common law degree from the University of Ottawa. As a student of public administration, I learned the importance of good public policy. As a student of law, I learned the importance of good process, objectivity and reflection in sound decision-making. Over my career, I have had the opportunity of applying, refining and adding to these skills.

Working with the city of Ottawa, I've had the opportunity to oversee various portfolios: from my articling student days back in 1983, to the commissioner of corporate services with the old city of Ottawa, pre-amalgamation in 1994, to deputy city manager of public works and services in the year 2000.

In carrying out my responsibilities, I have learned that serving the public and the public interest is, to say the least, a complex undertaking of balancing competing priorities and interests of a multitude of stakeholders.

During my term with public works and services, the department was responsible for most of the basic hard services needed to run a city: from drinking water treatment to waste water collection and treatment to solid waste disposal; public transit; traffic management; maintenance; and construction. In fact, when I was at the department, I used to say that if you could look out your window and complain about a service, it was probably in our department. I say that jokingly, of course, because what it underscores for me was the most important aspect of the position: ensuring the seamless delivery of the most basic services that residents rely on each and every day to go about their daily routines, services that are largely taken for granted because they have become so entrenched.

When leading a department like public works, the importance and the primacy of the public interest is absolutely always at the forefront. Balancing the needs of a growing city, the investment needed to sustain an aging infrastructure, and affordability of ratepayers and taxpayers are real and constant challenges.

In 2005, I had the privilege of accepting a new role in the city of Ottawa, that of CEO of the Hydro Ottawa group of companies, a position I still hold today and will be resigning from, subject, of course, to this committee's decision on the nomination before you.

Hydro Ottawa owns and operates the third-largest municipally owned electricity distribution company in the

province of Ontario, serving some 300,000 customers. Hydro Ottawa also owns and operates a small renewable generation energy services company.

During my term with Hydro Ottawa, I've become knowledgeable with the operational aspects of both distribution and generation, as well as the customer-facing issues. I understand the importance of meeting the customer's expectations for affordability and reliability.

I also have a good grasp of the challenges facing the energy sector in trying to meet those expectations: new infrastructure which is needed to meet the growing demand, the need to invest in refurbishing aging infrastructure and to renew an aging workforce.

0910

The challenges facing the energy sector are real, but they are not new or unique to this sector. The legislative mandate of the Ontario Energy Board is to ensure a reliable, affordable, financially viable and sustainable energy sector for Ontario residents. That will mean balancing objectives and relevant interests in a manner that respects the mandate and the legislation and relies on the technical expertise of the OEB. It will mean relying on a transparent process and principled conclusions.

I believe that my background in law combined with my long service and experience working in the public sector and the electricity sector, working at the level closest to the consumer, has provided me with the skills needed to head the OEB through this next period.

I thank you for the opportunity of making this open statement, and I look forward to your questions.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. We will start the questions with the government side. Mr. Brown.

Mr. Michael A. Brown: Thank you for coming before us today. One of the great challenges in Ontario is renewing our energy and especially electricity infrastructure. You've had some large experience with the distribution system in Ottawa. Could you outline to the committee the kinds of issues, which I suspect relate to the whole province in some way, that Ottawa is having with renewing an infrastructure that may be getting to the end of its useful lifetime?

Ms. Rosemarie Leclair: Thank you for the question. Absolutely, aging infrastructure is one of the most significant challenges for distribution utilities, particularly when you look at utilities where most of the infrastructure was put in in the boom of the 1950s. Now, that infrastructure is close to 40, 50, 60 years old and needs to be fully refurbished. At the same time, communities have unprecedented growth, new customers. Hydro Ottawa increases its customer base by 4,500 customers every single year, and they need to be serviced. So the capital program needed to sustain that infrastructure is significant and is presenting challenges. Every year, it's a balancing act of trying to determine the priorities, where the assets are needed most, where the investments are needed most.

As I said, customers have come to expect that not only is it about affordability, but it is about reliability.

Certainly, Ottawa has some of the best reliability anywhere in the province, with 99.998% reliability. But when we do have pockets of growth, there are parts of the system that are under strain, and we've had to invest significantly. Our capital program in our city alone is close to \$66 million, just in our sustainment budget for our distribution assets.

Mr. Michael A. Brown: Like some of my friends here on this side and on the other side, I represent a riding that has a large number of rural consumers. One of the issues I face—and, I suspect, others—is the issue surrounding energy retailers. I say that because one third of our constituency calls relate to retailers. We have just passed, as a government, new legislation here to deal with them, but they continue to be a very difficult problem for us.

Are you familiar—you must be, as a distributor—with the activities of this particular group, and do you think—well, it's unfair for you to prejudge, but just give me your opinion.

Ms. Rosemarie Leclair: I'm extremely familiar with the issue of retailer practices in our community. It is one of the main sources of calls that we have, as well.

I'm very supportive of the direction that the government has taken in terms of introducing legislation. I understand that the Ontario Energy Board is looking at putting in the rules and the codes to give effect to that legislation with retailers as well. It's very much needed in terms of protecting the consumer interests and making sure that they make informed decisions.

Mr. Michael A. Brown: Being on the front lines as you've been, is it possible to buy a contract from a retailer and actually save money?

Ms. Rosemarie Leclair: I haven't seen it. It's an insurance policy against rising rates, and right now it's an expensive insurance policy.

The Chair (Mr. Ernie Hardeman): Thank you. That concludes the time. Mr. Wilson?

Mr. Jim Wilson: Thanks, Ms. Leclair, for coming forward and putting your name forward. You're certainly well qualified. You're better qualified than I was when I was energy minister and allowed these electrical distribution companies to be set up.

Ms. Rosemarie Leclair: That sounded like regret.

Mr. Jim Wilson: I'm glad it has all somewhat worked out.

All kidding aside, you're going from being head of an electrical distribution company to being the top regulator of those companies. Do you see any problems in adjustment or ways of thinking?

Ms. Rosemarie Leclair: Certainly, there's always an adjustment when you change positions and change focus. You asked if I see any problems. I certainly don't see any problems in terms of the relationships. I understand all of the conflict rules and certainly will be abiding by those.

It will be a different focus. There are different stakeholders and broader interests than just the interests that you have when you're running a distribution company, but there will be a lot of similar interests. The distribution companies have always fought to maintain that relation-

ship with the actual customer. A big part of the role of the OEB is to ensure as well that we're cognizant of the consumer and the impacts of business decisions on the consumer.

I think there are a lot of synergies and a lot of similarities, but there certainly is a different role, a different perspective and a broader interest that will be applied at the OEB. I don't foresee any difficulty in making that transition. If you look at my CV, I've made transition to a number of different portfolios in a number of different areas over the years.

Mr. Jim Wilson: You mentioned the consumer, and I'm glad you did. There's a perception around here, rightly or wrongly, that consumers have been left behind in some of the decisions of the OEB. Obviously, the high cost of electricity is the number one pocketbook issue that we hear about in the ridings. Any thoughts about enhancing consumer advocacy or consumer protection at the board?

Ms. Rosemarie Leclair: As I said in my opening remarks, there are a number of challenges, and the mandate of the OEB is broad when it comes to consumers. It's about affordability, but it's also about long-term sustainability and a viable supply of electricity and reliability. That's very much a balancing act that has to be taken into account.

Certainly, I think as we move forward, electricity and energy is no longer that invisible product that we take for granted. It's very much in the forefront. I think there is an importance of continuing to educate consumers in terms of the issues as well as some of the reasons for the decisions. I believe the OEB has been doing some of that and has, in its business plan going forward, more consumer education, more consumer information, more tools to help folks understand.

Mr. Jim Wilson: You may not be able to answer this question, but some groups suggest that we lower the rates of return that the distribution companies are allowed to receive, in order to bring down prices. Do you have any thoughts on that?

Ms. Rosemarie Leclair: The rates of return is an issue that we did get questions on at Hydro Ottawa as well. When you look at the rates of return, one of the important things to remember is that it is the only source of revenue that the distribution company has to invest back into the infrastructure that's needed. As I talked about in my opening remarks, there is a lot of needed investment. Capital programs are not declining; they are increasing to meet the needs of the community as well as to replace the aging infrastructure.

Rates of return: There's a formula that's intended to keep those rates reasonable and in line with the market, to provide that source of capital for the industry. I believe it would be short-sighted to just, holus-bolus, reduce rates of return. I think you have to take a look at, is there a reasonable formula, was it reasonably applied for and what's the use of the funds?

0920

Mr. Jim Wilson: Just a final question: Do you have some priorities in mind as you take on the job?

Ms. Rosemarie Leclair: Certainly, I think there are a number of challenges. I haven't had the opportunity to be briefed on all of the challenges. One of the things that I would see as one of my priorities is to engage with the various stakeholders to get a good sense of the issues, the competing priorities, the competing interests, so that we can continue to ensure that the decisions that are made at the OEB and the policy directions that are taken are ones that support the long-term viability of the sector and keep the consumers at the forefront.

Mr. Jim Wilson: Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much. Mr. Hampton.

Mr. Howard Hampton: I'm sorry I was not here for your initial presentation, but I don't think my questions will really relate to that.

My first question would be, how does your work as the head of Hydro Ottawa prepare you for an appointment to the Ontario Energy Board?

Ms. Rosemarie Leclair: Well, as the head of—and I think my career is broader than my six years with Hydro Ottawa; it's close to 30 years in the public sector. With Hydro Ottawa specifically, as I had indicated in my opening remarks, it has given me a good understanding of the challenges of the distribution and the generation sectors, as well as the customer-facing issues. The distribution company is the company that's closest to the customer, so we certainly are on the front lines when it comes to the customer-facing issues. It's also given me a very good grounding in terms of some of the major issues facing the sector today. I spoke about aging infrastructure, growth in demand, as well as an aging workforce, and the need to renew those.

So that's experience that I've gotten at Hydro Ottawa: the need to balance all of the stakeholder interests; the issues of good, sound public policy and the importance of good public policy. Developing that policy as well as working with the political arm is experience that I've gotten throughout my career in the public sector.

Mr. Howard Hampton: I think I heard you say earlier that, for example, electricity is no longer going to be—I think the word you used was the invisible service; that it's becoming an issue.

Certainly, one of the things we're aware of is that whether companies are generating, transmitting, distributing or marketing electricity, there are huge sums of money involved, huge profits involved. For consumers, this is not an insignificant issue. I think it's fair to say, across Ontario now, the escalation of the hydro bill has become a very significant issue for people, both financially and otherwise. It seems to me the Ontario Energy Board has a really important role in this, yet it's a role that potentially is riddled with conflict.

How do you see yourself dealing with some of the very difficult decisions that have to be made in the face of companies that will lobby very hard and spend all kinds of money to have their point of view accepted?

Ms. Rosemarie Leclair: I'm not sure, Mr. Hampton, if you're asking me about conflict from my current role

at Hydro Ottawa versus my role at the OEB, but certainly, when I would embark in my new role with the OEB, my interest in the OEB will be in line with the mandate of the OEB and the legislative framework that's provided for. It will be about balancing the needs of the consumer, the needs of the Ontario electricity system, and the needs of ensuring a financially viable sector.

For the sector to be financially viable, there is a reasonable level of return that companies have to make to continue to invest in that; that's one interest. The affordability to the ratepayer is certainly another interest that we have to keep our eye on. The overall direction of public policy in terms of where do we want the energy policy to go is probably another issue that we'll have to keep our eye on.

It will be a balancing act. It will be looking at what the priorities are at any moment in time and how best to deal with those. As I said, I think my experience over the last 20 years has been doing exactly that: balancing those competing interests.

Mr. Howard Hampton: There was a recent decision by the OEB where it turned down a rate request by Ontario Power Generation. If one believes the media reports and the commentator reports, part of the reasoning was that there was a feeling that OPG pays a lot of its people too much money, that its nuclear facilities are very expensive to run and that basically, there was a feeling that OPG is not getting good value for the money that is paid in terms of customers. That rate request was significantly reduced from what went before the board.

Let me just ask you: How do you see yourself handling these things? OPG is a very powerful company. They have a huge battery of lawyers, consultants and so on. I've actually looked at some of their submissions; they go on forever. They're unbelievably complicated. How do you see yourself handling this kind of very powerful lobbying, very powerful presentation? OPG has been known to wine and dine; how do you see yourself handling this?

Ms. Rosemarie Leclair: I'm not going to comment on the OPG decision, of course, but I will comment on the adjudicative role of the OEB, which is designed to be an impartial, arm's-length arbitrator and has a staff resource to do research and bring expertise and fact-based decision-making. That will be—you will judge every case based on the facts before you in line with the mandate of the OEB, in line with the legislation and in line with the application.

The process is very much an open and transparent process. The public interveners get to present their information as well. All of those facts will get taken into consideration. The decisions that will be made will be made based on the facts before us in the case presented, and in line with the decisions.

Mr. Howard Hampton: Just let me ask you this: Were you involved in Hydro Ottawa's decision to spend almost \$30,000 of ratepayer money on Ottawa Senators tickets for Hydro Ottawa costumers, contractors, property managers and employees during the 2010-11 hockey season?

Ms. Rosemarie Leclair: I was not directly involved in that decision. I can give you colour in terms of what those tickets were used for. I'm very supportive of activities that relate to employee engagement. Hydro Ottawa has a very positive relationship with its workforce, having come off a very bitter strike in 2004, and has a number of employee events. Those tickets, essentially, were part of our employee engagement, and employees paid, I believe, half or three quarters of the cost of those tickets—the balance of the tickets.

There was one other event that related to getting the business community in to talk to them about our CDM program and our conservation efforts. One of the ways of attracting attention is certainly to go to venues that people want to go to, and that was a customer outreach event.

Hydro Ottawa does not have Ottawa Sens boxes. It was one of the first things that I cancelled when I was appointed president and CEO. Any use of funds by the company is used with a view to meeting its objectives and mandates, which are outreach to our customers and ensuring that we have a viable workforce to deliver the product.

Mr. Howard Hampton: Do you think a professional hockey game is the best place to discuss billing issues and conservation programs?

0930

Ms. Rosemarie Leclair: There's a meeting room available. The presentations were done at the meeting room and the hockey game was after.

Mr. Howard Hampton: In September 2010, Hydro Ottawa sought a 2.5% increase in electricity rates just weeks before Hydro Ottawa paid for or subsidized tickets for 146 electrical contractors and property managers. Do you see how this might upset businesses and families who struggle to pay their hydro bills on a monthly basis?

Ms. Rosemarie Leclair: Hydro Ottawa has—and I'm not sure if I'm being interviewed here on Hydro Ottawa or as chair of the OEB. In terms of Hydro Ottawa, one of the things that we pride ourselves on is ensuring that we do keep our rates competitive and reasonable and in line with the rate of inflation. It's something that we have continued to do over the last five years.

One of the ways of ensuring that we don't have to invest in costly new infrastructure is to promote our conservation demand management programs. The event that you're talking about was an outreach to our key accounts to engage them in conservation programs.

Hydro Ottawa has been one of the most successful companies in the province of Ontario in rolling out conservation programs. We started in 2005, long before the OPA programs were there, and we have exceeded our targets and our goals, largely by reaching out to our key account customers.

Mr. Howard Hampton: As chair of the Ontario Energy Board, would you be conducting meetings with clients at Toronto Maple Leaf games?

Ms. Rosemarie Leclair: I think there's very much a difference between the role of the chair of the OEB and

the role of a CEO in a company that is tasked with delivering services. They are not the same position and they are not the same focus. The tools that I will be using will be appropriate tools for that role.

Mr. Howard Hampton: But one of the realities of this job, and I've spoken with former chairs of the board, is that whether they be natural gas companies or electricity companies, they're quite prepared to spend all kinds of money wining and dining members of the board and staff of the board. Golf tournaments, hockey tickets, football tickets, baseball tickets seem to be part of the milieu, part of the lifestyle, and—

The Chair (Mr. Ernie Hardeman): If you could just wrap up the question, the time is up, Mr. Hampton.

Mr. Howard Hampton: I think many people are really worried, really concerned that all kinds of money gets spent on these things and the ratepayers of Ontario, who are having a hard time paying their bills, end up paying for it.

Ms. Rosemarie Leclair: Mr. Hampton, I can assure you that you could look through my expenses as CEO of Hydro Ottawa and my personal expenses with respect to wining and dining will be very few and far between.

The Chair (Mr. Ernie Hardeman): Thank you very much. That concludes the questions, and we thank you very much for coming in. We wish you well in your future endeavours.

Ms. Rosemarie Leclair: Thank you.

MS. PAT CAPPONI

Review of intended appointment, selected by third party: Pat Capponi, intended appointee as member, Consent and Capacity Board.

The Chair (Mr. Ernie Hardeman): Our next interview is Pat Capponi, intended appointee as a member of the Consent and Capacity Board.

Thank you very much for being here. As with the previous presentation, we will give you an opportunity to make some opening remarks and then we will give an opportunity to each caucus to ask you questions for 10 minutes. This time it will start with the government side again, as they were missed. Or should I go to them? It doesn't matter. We can start with the official opposition.

With that, the floor is yours.

Ms. Pat Capponi: Good morning.

The Chair (Mr. Ernie Hardeman): Good morning.

Ms. Pat Capponi: I have a brief opening statement.

I have been an active and engaged advocate in the mental health system since just before I brought then-Health Minister Larry Grossman into the psychiatric boarding home I shared with 70 mental patients, as we were called then. That was about three decades ago.

Since then, I have sat at many tables, including the Supportive Housing Coalition; the advisory committee to the provincial patient advocate office; the mental health reform initiative, called the Graham committee; the advisory committee to the Mayor's Action Task Force on Discharged Psychiatric Patients; the short-lived Ontario

Advocacy Commission; the Clarke Institute and the inaugural board of CAMH; and the Saving Lives Implementation Group, arising out of alternatives to the use of lethal force, co-chaired by Chief Bill Blair and Julian Falconer. I have testified as an expert witness in aftercare and housing at numerous inquests into the deaths of psychiatric patients.

At every table at which our community has won a seat, we were able to influence decisions made about our community, offer alternative and missing perspectives, and clearly show that there is much more to us than the often obscuring labels that we carry. Our community had a steep learning curve, but so did those who felt that chronic patients were incapable of insight and manifestly unable to live productive lives. Since Larry sat down with my fellow tenants and took responsibility for the mess we were in, we have proven over and over again that, given the opportunity, we respond with pride, ability and courage. We have won respect and admiration for our efforts and are able to speak for ourselves to ministers, policy-makers and the general public.

Perhaps the most interesting development and the clearest example of how very far we've come has been RACI, the Residents and Consumers Initiative. Voices from the Street, which is my organization, was approached by two first-year residents in psychiatry at the University of Toronto. We've been meeting since then for close to five years in each others' homes, always adding first-, second-, third-, fourth- and fifth-year students to our body. There, we supplement the education they receive from their curriculum. We build bridges never before seen between the two islets. Over dinner, we discuss issues and their training, and we share our insights. Our co-founders are on the verge of becoming full-fledged psychiatrists, and it bodes well for the system and for us. RACI presented to the chairs' forum of the Canadian Psychiatric Association last year. It was a momentous occasion for everyone involved.

Lastly, I now co-chair the police board's mental health subcommittee with Alok Mukherjee.

These gains should be celebrated and added to, which is why I'm before you today.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. We'll start with the official opposition. Mr. Wilson.

Mr. Jim Wilson: Thanks for putting your name forward.

My interest in this thing is always personal. I had a first cousin, Michelle Keogh, who was murdered in 1974. That fellow got out of Penetang on a weekend pass, murdered her, and didn't show up for a few days. He's on an old Lieutenant Governor's warrant, so once a year it's up for renewal. Over the years, my experience as Minister of Health was that we have pockets of consumer advocates on the board who often want to let these guys out because they have great sympathy for those so-called mentally ill. This guy is mentally ill. If it wasn't for my uncle Mike Keogh, her father, and a retired police officer who made the original arrest, who shows up every year

out of the goodness of his heart, to keep reminding the panel that this guy is sick and he'll do it again—in fact, on at least a dozen occasions in the last 30 years, this guy has told the panel, “Yes, I'll do it again. Don't let me out,” and then they let him out. The last time he was let out, he buggered a little boy in a mall in London, Ontario.

Nothing personal; you're a great advocate—and congratulations on the Order of Ontario and the awards you've received, and thank you for that—but I just want to make sure that we have people on the board who have the right balance in terms of protecting society and the rights of the individuals. Do you want to comment on that?

Ms. Pat Capponi: Certainly. It's an unfortunate example. As you know, our community is more sinned against than sinning.

I firmly believe that if you do the crime, you do the time. I think we've been trying to teach our community about responsibility: that if we're going to be full citizens, we have to live within the law and handle our own behaviour. Unfortunately, we have a system that has kind of infantilized the patients within it, and people keep acting that way.

0940

But we are learning. As a community we are really learning, with peers going in and reinforcing that your freedom does not extend to hurting anybody or yelling at anybody. I'm probably sterner than most around these kinds of things.

On the Consent and Capacity Board, my understanding—and I have not yet been trained, of course—is that it's a quasi-judicial body, but it's also a very narrow mandate to ensure that the policies and documents have all been filled out properly and appropriately. It's not a place where there's a lot of discretion or complaints, or anything like that.

Mr. Jim Wilson: Thank you for that answer. Have you been involved in any matters before the board, on one side or another, in the past?

Ms. Pat Capponi: When your government was in power, I was here as a nominee to the Ontario Advocacy Commission. That was a long, long time ago.

Mr. Jim Wilson: Thank you very much. Thank you, Mr. Chairman.

The Chair (Mr. Ernie Hardeman): Thank you very much. Mr. Hampton for the New Democrats.

Mr. Howard Hampton: Thanks for being here today. You have some experience in this area, being on the advocacy commission in the past. What do you see as the main challenges you will face as a member of the Consent and Capacity Board?

Ms. Pat Capponi: Well, I think the hardest was the interview. I had met Judge Ted Ormston when he was doing the mental health court. I did some articles for NOW magazine about that court, so I hung out there for a while. He's on the same police subcommittee that I am on, so we reconnected there. He brought me to lunch and it was like a two-hour quiz, so I couldn't figure out what he was getting at. Then he suggested that I should apply.

I studied for three weeks, and his vice-chair and a lawyer asked me questions there. That was incredibly difficult. It's not easy. It made me feel like when I was in first year of university and I took a third-year ethics course, where things like good and bad—nothing was what it seemed. It's going to be a mind-boggling experience, but I am up for it.

Mr. Howard Hampton: What experiences do you have that will help you do the work that you will have to do on the board?

Ms. Pat Capponi: I think, having lived and worked and actually been immersed in issues facing psychiatric consumer/survivors, that I'm really aware. What Ted Ormston told me at our lunch was that he would see me being a voice from the street in terms of adding to the training they offer, but as well, being able to communicate with folks in my own community about their responsibilities and to help get out there the consequences of behaving badly. I find that useful.

Another thing: When I became the co-chair of the police subcommittee, I had a Facebook page and I did not expect the kinds of salutes I got from across the province. It seemed to be very meaningful, and I think this would be hugely meaningful. Not many people trust the process, and if they can see someone that they know sitting there, I think it will make people hopeful. It will restore, maybe, some trust that things can be done right. That's what I'm looking at.

Mr. Howard Hampton: Thanks very much.

The Chair (Mr. Ernie Hardeman): Thank you very much. Members of the government? Ms. Cansfield.

Mrs. Donna H. Cansfield: Thank you very much for coming forward, putting your name forward and for presenting today. You've been a very strong advocate over the years, drawing on your own personal experiences. My question to you, although some of that has been addressed I think through Mr. Hampton, is more to the point of how you see that impacting and influencing your decisions—because you've been such a strong advocate when you've been on the capacity board—and how you're going to balance that perspective.

Ms. Pat Capponi: They did ask me that question during the application process. Again, I think it's because of the very narrow focus. There's not a lot of room for personal discretion. Our job, as I understand it—and again, no training, but it's outlined that the job is not a complaints thing, not an investigative body; it's to ensure that all the papers and procedures have been followed. That's pretty clear cut. Does that mean I won't be an advocate? I will be an advocate because that's my life, but that would be outside of this body. There's a place for everything, and that's not the place to be an advocate.

Mrs. Donna H. Cansfield: Thank you very much.

The Chair (Mr. Ernie Hardeman): Anything further?

Mrs. Maria Van Bommel: Just a comment as a member of the Select Committee on Mental Health and Addictions. I really want to thank you for the work that you've done, and I'm certainly really pleased that you

have been nominated to this, because I think it's very important, as you say, to have that representation on this board. So thank you.

Ms. Pat Capponi: It would be a big first for our community, yes.

Mrs. Maria Van Bommel: It certainly would. Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much for coming in this morning, that concludes the questions, and we want to wish you well in all your future endeavours.

That concludes the interviews for this morning, so if we go back to the first interview, Rosemarie Leclair, as a member and chair of the Ontario Energy Board. We have to deal with concurrence.

Mr. Michael A. Brown: I move concurrence in the appointment of Rosemarie Leclair as a member of the board and president and chief executive officer of the Ontario Energy Board.

The Chair (Mr. Ernie Hardeman): You've heard the motion. Discussion? If not, all those in favour?

Mr. Michael A. Brown: Recorded vote.

Ayes

Brown, Cansfield, Carroll, Pendergast, Van Bommel, Wilson.

Nays

Hampton.

The Chair (Mr. Ernie Hardeman): The motion is carried.

The next to be considered is intended appointee Pat Capponi as a member of the Consent and Capacity Board. The motion for concurrence?

Mr. Michael A. Brown: I move concurrence in the appointment of Pat Capponi to the Consent and Capacity Board.

The Chair (Mr. Michael A. Brown): You've heard the motion. Discussion? Hearing none—

Mr. Michael A. Brown: Recorded vote.

Ayes

Brown, Cansfield, Carroll, Hampton, Pendergast, Van Bommel, Wilson.

The Chair (Mr. Ernie Hardeman): The motion is carried.

That concludes the concurrences. It also concludes our meeting. Is there any further business for the meeting?

Mr. Jim Wilson: The letter that we received a copy of, are we to do anything about that?

The Chair (Mr. Ernie Hardeman): Which letter was that?

Mr. Jim Wilson: I don't really want to get into the topic, but I was just wondering.

The Chair (Mr. Ernie Hardeman): We'll ask the clerk to speak to it.

The Clerk of the Committee (Mr. Katch Koch): The sender asked me to distribute the letter to committee members. I have spoken to the sender. I also brought to the sender's attention that the committee is really not able to deal with this because it's past the 30 days. This is an appointment that dates back to the beginning of the year, and the sender of the letter had an issue with that appointment, but it's well past the 30-day deadline.

Mr. Jim Wilson: Okay. Thanks.

The Chair (Mr. Ernie Hardeman): Anything else? If not, the next meeting is at 9 a.m. on Tuesday, April 12, in committee room 1. The committee stands adjourned.

The committee adjourned at 0949.

CONTENTS

Tuesday 5 April 2011

Intended appointments.....	A-115
Ms. Rosemarie Leclair	A-115
Ms. Pat Capponi.....	A-119

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Chair / Président

Mr. Ernie Hardeman (Oxford PC)

Vice-Chair / Vice-Présidente

Ms. Lisa MacLeod (Nepean–Carleton PC)

Mrs. Laura Albanese (York South–Weston / York-Sud–Weston L)
Mr. Michael A. Brown (Algoma–Manitoulin L)
Mrs. Donna H. Cansfield (Etobicoke Centre / Etobicoke-Centre L)
Hon. Aileen Carroll, P.C. (Barrie L)
Mr. Howard Hampton (Kenora–Rainy River ND)
Mr. Ernie Hardeman (Oxford PC)
Ms. Lisa MacLeod (Nepean–Carleton PC)
Ms. Leeanna Pendergast (Kitchener–Conestoga L)
Mr. Jim Wilson (Simcoe–Grey PC)

Substitutions / Membres remplaçants

Mrs. Maria Van Bommel (Lambton–Kent–Middlesex L)

Clerk / Greffier

Mr. Katch Koch

Staff / Personnel

Mr. Larry Johnston, research officer,
Legislative Research Service