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(Hansard)**

**Tuesday 26 June 2012**

**Journal  
des débats  
(Hansard)**

**Mardi 26 juin 2012**

**Standing Committee on  
Public Accounts**

Special report, Auditor General:  
Ornge Air Ambulance and  
Related Services

**Comité permanent des  
comptes publics**

Rapport spécial, vérificateur  
général : Services d'ambulance  
aérienne et services connexes  
d'Ornge

Chair: Norm Miller  
Clerk: William Short

Président : Norm Miller  
Greffier : William Short

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

## STANDING COMMITTEE ON PUBLIC ACCOUNTS

## COMITÉ PERMANENT DES COMPTES PUBLICS

Tuesday 26 June 2012

Mardi 26 juin 2012

*The committee met at 0902 in room 151.*

### SPECIAL REPORT, AUDITOR GENERAL: ORNGE AIR AMBULANCE AND RELATED SERVICES

**The Chair (Mr. Norm Miller):** I'd like to call this meeting to order. To begin with, just note that the big binder you have in front of you is Mr. Jacob Blum's diary information. As you will recall, Mr. Blum requested that personal information in his diaries not related to Ornge air ambulance remain confidential, and the committee agreed to that. Because of that, his professional diaries will not become public documents as an exhibit with the committee minutes. Mr. Blum did emphasize that members of the committee may refer to parts of his professional diaries that relate to Ornge or to air ambulance in the province of Ontario.

### MINISTRY OF HEALTH AND LONG-TERM CARE

**The Chair (Mr. Norm Miller):** Our first witness this morning is Ruth Hawkins, assistant deputy minister and chief administrative officer, corporate services division. I'd like to welcome Ms. Hawkins here. You have received the information of a witness coming before the committee?

**Ms. Ruth Hawkins:** I have, thank you.

**The Chair (Mr. Norm Miller):** Very well. Our clerk has an oath or affirmation for you.

**The Clerk of the Committee (Mr. William Short):** The Bible is in front of you there, Ms. Hawkins.

Ms. Hawkins, do you solemnly swear that the evidence that you shall give to this committee touching the subject of the present inquiry shall be the truth, the whole truth and nothing but the truth, so help you God?

**Ms. Ruth Hawkins:** I do.

**The Clerk of the Committee (Mr. William Short):** Thank you.

**The Chair (Mr. Norm Miller):** Very well. Please go ahead with your opening statement.

**Ms. Ruth Hawkins:** Good morning. My name is Ruth Hawkins. Thank you for the opportunity to appear before this committee with respect to the Auditor General's report into the Ornge air ambulance service.

I have been a public servant with the Ontario public service for 25 years. My direct involvement in the Ornge file began in October 2007, when I became executive lead for direct services, including OHIP registration and claims processing, land and air ambulance services and the divestment of the last provincial psychiatric hospital. I held that position till early 2010. Oversight of land and air ambulance is now the responsibility of the direct services division.

Since early 2010, I have been the chief administrative officer and assistant deputy minister for the Ministry of Health and Long-Term Care. My responsibilities now include the provision of corporate services, such as human resources, finance, procurement and facilities management.

I feel it's important to note for the committee that the actions and responses taken by ministry staff, including myself, were informed by reviews of others as well as the information and assurances provided by the board and management of Ornge, which I will discuss later.

The alleged abuses that came to light recently are very concerning for all. Ornge's leadership's apparent promotion of self-interest over the public interest was not expected and was out of character with our regular relationships with transfer payment recipients.

Within that context, I would now like to focus my remarks on some key areas that may be of interest to this committee.

In 2008, the director of the emergency health services branch and I felt that it was important to undertake a review of Ornge. We expected that the Auditor General would likely conduct an audit of the organization in the normal course of his business. A ministry-initiated review could help to identify any potential issues and allow for remedial action. The Ministry of Finance's internal audit division engaged Meyers Norris Penney to undertake the review. This included the assessment of financial management processes, procurement processes, governance and accountability framework, the integrity of Ornge's financial and service data reports, the risk management process, and compliance with the performance agreement.

In addition, MNP also focused on operational and policy considerations. The MNP review determined that, "Ornge is using provincial grant funding economically, efficiently and for the purposes intended in providing air

ambulance and related services.” We relied on these conclusions.

In November 2008, the emergency health services branch was forwarded a letter from a former Ornge employee that contained allegations relating to accounting practices and executive compensation at Ornge. This matter was immediately brought to my attention and to the attention of the then chief administrative officer, the director of the health audit service team and the manager of the forensic investigation team in the Ministry of Finance.

Two members of the forensic investigation team met with the complainant in November 2008 to review the contents of his letter. They concluded that evidence did not exist to support the contention that Ornge had a second set of financial books.

In December 2008, the director of the health audit service team and I met with the board chair of Ornge and shared the allegations in the letter. The board chair agreed to conduct an internal review. After completing that review, he assured the ministry that Ornge had thoroughly reviewed the allegations and confirmed that there was no merit to the concerns raised in the complainant’s letter.

The ministry relied on the Ornge board of directors to provide accurate financial and accounting information to the ministry. Hence, there was no reason to doubt the written assurances of the board chair, who is a fellow chartered accountant and a director of the Institute of Corporate Directors, that the allegations had no merit.

The Public Sector Salary Disclosure Act has also been the subject of discussion. Ornge did comply with this act. By definition, non-profit employers who receive more than \$1 million in funding are required to report the salaries and benefits paid to their employees who earn more than \$100,000 in salary and benefits in a given year. Each year, the Ministry of Finance collects this information from affected organizations and funding ministries.

In 2009, we understood that some executive services at Ornge, including those of the CEO, were now being provided through a related for-profit organization known at that time as Ornge Peel. This was troubling to me. I worked with the Ministry of Finance staff who confirmed that a company that is for-profit, like Ornge Peel, would not meet the definition of an employer under this act and therefore had no obligation to disclose the salaries under that act.

Thank you. I know you have questions, so I am happy to answer them.

**The Chair (Mr. Norm Miller):** Thank you very much for that statement. We’ll start with the official opposition. You have 27 minutes.

**Mr. Frank Klees:** Thank you, Chair. Ms. Hawkins, according to the ministry website, the corporate services division “leads the development and implementation of ministry management, accountability, controllership frameworks to ensure cost operational services to ministry clients, essential to the ... delivery of ministry pro-

grams...” You have been the executive lead for that division, I think you said since 2007. Is that right?

**Ms. Ruth Hawkins:** Let me just clarify: I was the executive lead responsible for OHIP registration claims processing, land and air ambulance, as well as the divestment of the last provincial psychiatric hospital. That was for the period late 2007 until early 2010.

**0910**

**Mr. Frank Klees:** Yes, and land and air ambulance is what we’re here to discuss, right?

**Ms. Ruth Hawkins:** Correct.

**Mr. Frank Klees:** Are you saying that you had no responsibility for the references to the responsibility of corporate services divisions such as management, accountability, controllership framework? That wasn’t your responsibility?

**Ms. Ruth Hawkins:** That is my responsibility currently. I am currently the chief administrative officer, and I took over that appointment in January 2010. The actual direct responsibility for land and air ambulance as of that point in time is now the responsibility of the direct services division.

**Mr. Frank Klees:** Please clarify for us, then. From 2007 on, when you had responsibility for land and air ambulance, what was that responsibility?

**Ms. Ruth Hawkins:** From the period of late October 2007 until early 2010, I had direct involvement in terms of oversight for land and air ambulance because the emergency health services branch did report directly to me. You are correct.

**Mr. Frank Klees:** So you did have responsibility for oversight of land and air ambulance services.

**Ms. Ruth Hawkins:** Directly, for the period of October 2007 till early 2010.

**Mr. Frank Klees:** Thank you. When the Auditor General released his report, a great deal of his report dealt with the lack of oversight. I’ll quote from page 12 of his report, where he says, “In light of the high degree of responsibility and decision-making power the performance agreement gave Ornge, it was important for the ministry to have adequate processes in place to protect its interests.” Given your responsibility for oversight of the air ambulance program, what did you do to put those processes in place to protect the public interests?

**Ms. Ruth Hawkins:** During that period, we had three pieces of framework that we relied on heavily. One was the performance agreement between the ministry and Ornge, the second was the Ambulance Act, and the third was the transfer payment accountability directive. During that period, under the performance agreement that was in play at that time, we had three very defined areas of responsibility as it related to oversight: There was the investigation and compliance—I believe you heard from the director of the emergency health services branch a couple of times in relation to the work that his branch did, and that branch, as I mentioned, reported to me—secondly, the efforts in terms of certification; and thirdly, the reporting under the then performance agreement.

**Mr. Frank Klees:** The Auditor General concluded that the ministry failed in its oversight responsibilities. Do you agree with the Auditor General or do you disagree with him?

**Ms. Ruth Hawkins:** I believe, if I understood correctly, that the Auditor General, when he was making reference to that particular statement, was referring to the outcome of the work that he did during the period of his investigation that was identified in his report. What I would say is, I don't agree that the ministry did fail in their oversight for the period prior to when he is articulating what he did in the auditor's report.

**Mr. Frank Klees:** Do you think that the ministry failed in its oversight responsibilities at any point in time relative to Ornge?

**Ms. Ruth Hawkins:** The ministry relied very heavily, as I mentioned, on not only the written assurances that we received from Ornge, but also verbal assurances we received from them, in addition to the reports that we received, as well as the outcome of the third party review from Meyers Norris Penny.

**Mr. Frank Klees:** So in your opinion, the ministry failed in its oversight responsibilities because they relied on the information from these other people and it's really their responsibility, not the ministry's responsibility. That's really what you're telling us.

**Ms. Ruth Hawkins:** I would not agree that the ministry did not exercise their oversight responsibilities. I feel very strongly that we relied very heavily on the information that we received from Ornge, as well as the review of Meyers Norris Penny, as well as other assurances that we received.

**Mr. Frank Klees:** Ms. Hawkins, when did you meet Dr. Chris Mazza?

**Ms. Ruth Hawkins:** For the very first time?

**Mr. Frank Klees:** Yes.

**Ms. Ruth Hawkins:** I would say years ago.

**Mr. Frank Klees:** And what was the context in which you came to know Dr. Mazza?

**Ms. Ruth Hawkins:** I came to know him when he became the CEO of Ornge.

**Mr. Frank Klees:** You didn't know him in his role at Sunnybrook?

**Ms. Ruth Hawkins:** In his role at Sunnybrook, he was an emergency physician—

**Mr. Frank Klees:** You didn't get to know him then?

**Ms. Ruth Hawkins:** I did not.

**Mr. Frank Klees:** I understand that your husband was a doctor or still is at Sunnybrook.

**Ms. Ruth Hawkins:** Yes, that's correct. He is an emergency physician.

**Mr. Frank Klees:** And did he know Dr. Mazza at that time?

**Ms. Ruth Hawkins:** They would be business colleagues, yes.

**Mr. Frank Klees:** Did you ever entertain Dr. Mazza in your home?

**Ms. Ruth Hawkins:** Never.

**Mr. Frank Klees:** So you never had a personal relationship with Dr. Mazza?

**Ms. Ruth Hawkins:** Absolutely not.

**Mr. Frank Klees:** Why would you have told Mr. Jacob Blum that you did entertain Dr. Mazza in your home?

**Ms. Ruth Hawkins:** I don't recall ever telling Jacob Blum that.

**Mr. Frank Klees:** Do you recall meeting with Mr. Blum on the day that he left Ornge?

**Ms. Ruth Hawkins:** I think Mr. Blum may be mistaken with regard to the date that he referred to, because I did listen to his testimony when he was at this committee. My recollection is that we met in early July. It was the one and only time I'd ever met Mr. Blum and the one and only time that he had actually asked to meet with me.

**Mr. Frank Klees:** When he met with you, did the discussion of Ornge and irregularities or questionable business practices come up in the course of that discussion?

**Ms. Ruth Hawkins:** I actually don't recall the content of that discussion. It was in July 2008. That I can confirm.

**Mr. Frank Klees:** Do you recall saying something like this to Mr. Blum: "I heard from an opposition MPP who stopped me in the hallway and asked me about a boat and lakefront property"? Do you recall that exchange?

**Ms. Ruth Hawkins:** No, I do not.

**Mr. Frank Klees:** Now, according to Mr. Blum, he responded to you by saying something to the effect—I'll quote Mr. Blum: "You have the contractual, legislative and regulatory levers to find out anything you" need "to find out about Ornge." Why "rely on ... third party information." Do you recall any of that conversation?

**Ms. Ruth Hawkins:** No, I don't recollect the conversation.

**Mr. Frank Klees:** Okay. What was the nature of your conversation, then, with Mr. Blum?

**Ms. Ruth Hawkins:** I actually don't recollect the conversation. I do recollect that we met, I do recall where we met, but other than that, I don't recollect the content of the conversation. It was a short meeting, it was a meet-and-greet, and it was the one and only meeting I ever had with Jacob Blum.

**Mr. Frank Klees:** So we have a gentleman who was head of one of the major organizations over which you had oversight responsibilities. He had just left this organization. He asked for a meeting with you and you recall nothing about that meeting?

**Ms. Ruth Hawkins:** I believe—

**Mr. Frank Klees:** It was a meet-and-greet.

**Ms. Ruth Hawkins:** I believe we met in early July. He indicated in his testimony before this committee that he had left, I believe he said around—I forget the exact date—July 17 or 18.

**Mr. Frank Klees:** I'd like to refer to a letter from Mr. Keith Walmsley which he wrote to the Minister of Health, as you refer—it actually went to Minister Best. It

was dated April 14, 2008. Now, you say that you became aware of it in November 2008. What happened to this letter in the meantime?

**Ms. Ruth Hawkins:** I don't know. I can't speak to what happened. What I can tell you is, I believe you're absolutely correct: He had addressed the letter to, I believe, Minister Best, but that letter was forwarded to the director of emergency health services branch on I believe it was November 14 or 15, 2008.

**0920**

**Mr. Frank Klees:** Is it typical for a correspondence to bounce around the ministry for months, especially given the nature of this letter?

**Ms. Ruth Hawkins:** I can't speak to where exactly that letter was. I can only speak to the point when we received it and the action that we took immediately upon receiving it.

**Mr. Frank Klees:** Did it concern you that it had been sitting around for months—

**Ms. Ruth Hawkins:** It absolutely—I'm sorry; I didn't mean to interrupt you.

**Mr. Frank Klees:** Did it concern you that this letter was written in April and you didn't see it until November?

**Ms. Ruth Hawkins:** That is why the day that we got it, Mr. Bates immediately—and I mean immediately. It was within certainly a couple of hours that he brought it to my attention, then we had immediately brought it to the attention of the internal audit division. Absolutely, it was concerning. The allegations in the letter were concerning, which is why we acted upon it immediately.

**Mr. Frank Klees:** So within a matter of weeks—these are serious allegations that Mr. Walmsley made. He refers to the exorbitant salary and benefits for the chief executive officer. He speaks of \$2 million in salaries for an organization with 300 staff. He refers to the concern about two sets of books. He speaks about other “eye-opening situations,” as he put it, that are taking place at Ornge. Most are in order to maximize the surplus shown back to the ministry. He speaks of individuals who are “benefiting far too luxuriously.” He's speaking specifically about the president. Then he refers to using funds I do not believe that were the intent of the ministry. These are serious allegations.

You say you met with the director of the emergency health services branch when?

**Ms. Ruth Hawkins:** The letter was forwarded to the director of emergency health services branch on I believe it was November 14, 2008.

**Mr. Frank Klees:** So November 14.

**Ms. Ruth Hawkins:** Yes.

**Mr. Frank Klees:** You wrote a letter back to Mr. Walmsley six weeks after that?

**Ms. Ruth Hawkins:** That is correct.

**Mr. Frank Klees:** And you say, “I want to assure you”—I'm quoting from the letter—“that upon receiving the letter, the Ministry of Health and Long-Term Care, with the assistance of the Ministry of Finance, have acted quickly to investigate these allegations and express our

appreciation for your assistance with the investigation, which included your discussion with representatives from the Ministry of Finance's forensic investigation team.”

You close by saying, “I am pleased to say that the issues identified in your letter have been addressed and once again thank you for bringing forward your concerns.”

In six weeks, you undertook an investigation. You brought in the Ministry of Finance's forensic team. They conducted their investigation and said, “Everything is fine at Ornge.” In retrospect, can you tell me if you thought, if you think now, that that investigation was thorough?

**Ms. Ruth Hawkins:** If I can, let me just talk about what happened—

**Mr. Frank Klees:** No, I would just like you to answer my question, please. Yes or no? Was it a thorough investigation, in your opinion?

**Ms. Ruth Hawkins:** In my opinion, we acted quickly and we did three very important and key things. The very first thing is, we contacted the forensic investigation team. The forensic investigation team met with the individual in November. I'm not sure exactly what date it was, but it was certainly within the two weeks of the receipt of that letter, and I'm thinking it was even sooner than that. That was one thing.

The second thing is, the director of the health audit service team and I met with the board chair, shared the letter with him, and he was very concerned, as were we. He agreed to do a review, which he did.

Thirdly, we also—because at this time as well, because we're now talking late 2008, Meyers Norris Penny was also—

**Mr. Frank Klees:** We've been through that. I want to get to the heart of this letter. I'd like to ask you who wrote that letter that you signed, the December 29, 2008, letter in response to Dr. Walmsley. Who wrote that letter?

**Ms. Ruth Hawkins:** I would have written that with the support of the health audit service team.

**Mr. Frank Klees:** So you had some help writing this letter.

**Ms. Ruth Hawkins:** Correct, but that would not be unusual at my position.

**Mr. Frank Klees:** Let me ask you, when you first saw Mr. Walmsley's letter, did you speak to Dr. Mazza about that letter?

**Ms. Ruth Hawkins:** No, I did not, and I deliberately did not do that.

**Mr. Frank Klees:** Did you speak to anyone at Ornge about that letter?

**Ms. Ruth Hawkins:** No, I did not.

**Mr. Frank Klees:** Did you speak to the associate deputy minister about the letter?

**Ms. Ruth Hawkins:** The associate deputy minister in 2008?

**Mr. Frank Klees:** Yes.

**Ms. Ruth Hawkins:** No, I don't believe there was a position that existed at that time in 2008.

**Mr. Frank Klees:** Did you speak to the assistant deputy minister?

**Ms. Ruth Hawkins:** That I did, yes.

**Mr. Frank Klees:** What was the nature of that conversation? Did you get direction from the assistant deputy minister in terms of what steps should be taken?

**Ms. Ruth Hawkins:** Yes. The day that the director of emergency health services branch received that letter, he immediately contacted me, and I immediately advised my assistant deputy minister of not only the letter, but we also then had a discussion about next steps.

**Mr. Frank Klees:** What did the assistant deputy minister instruct you to do?

**Ms. Ruth Hawkins:** She instructed me to take full action, and that would include the contacting of the internal audit division—not only the health audit service team, but also the forensic investigation team. We did that that very same day.

**Mr. Frank Klees:** How long did it take for the forensic investigations team to conduct their audit at Ornge?

**Ms. Ruth Hawkins:** I'm going to say maybe a couple of weeks, somewhere in that neighbourhood. I couldn't tell you the exact timeline.

**Mr. Frank Klees:** Was there a written report of that audit?

**Ms. Ruth Hawkins:** They did a written response.

**Mr. Frank Klees:** Did you ever see that response?

**Ms. Ruth Hawkins:** I did.

**Mr. Frank Klees:** I would like to ask if you could table a copy of that response with the committee, please. When can we expect that?

**Ms. Ruth Hawkins:** We'll do our best to get it to the committee as soon as possible.

**Mr. Frank Klees:** Can you enlighten this committee as to why it takes weeks for straightforward information that we request to come to this committee?

**Ms. Ruth Hawkins:** Could you repeat that, please?

**Mr. Frank Klees:** Can you enlighten this committee as to why it would take weeks for the Ministry of Health to deliver information that we request here?

**Ms. Ruth Hawkins:** It's my understanding that the latest information that you had requested is very voluminous, and people are working very, very hard on getting the information as quickly as they can.

**Mr. Frank Klees:** Well, there was a lot of information that we requested that was not voluminous—it was fairly straightforward—and we're still waiting.

However, when you saw that report, was there anything in that report that raised red flags for you?

**Ms. Ruth Hawkins:** Which report are you referring to?

**Mr. Frank Klees:** The report that we just discussed, the forensic investigation report.

**Ms. Ruth Hawkins:** As I maybe mentioned earlier, the forensic investigation team has a particular skill set in terms of the work that they do—

**Mr. Frank Klees:** I would hope it's investigating the issues that were brought forward.

My question is very straightforward. We only have so much time. I really would appreciate it if we could just answer the question. Was there anything in that report that you saw, which came about as a result of the forensic investigation, that raised concerns, that was a red flag for you?

**Ms. Ruth Hawkins:** No. They had indicated in the report that there was no merit to the allegation.

**Mr. Frank Klees:** One of the issues that Mr. Walmsley raised in his letter was how surplus funds were essentially being hidden. We also have reports that indicated that there was one occasion in 2008 where there was some \$5 million in surplus funds. Ornge asked if they could keep those funds, and you said yes. Do you recall that?

**Ms. Ruth Hawkins:** I do.

**Mr. Frank Klees:** Did you have any concern that this forensic investigation would implicate you in that?

**Ms. Ruth Hawkins:** That the forensic investigation would implicate me in—

**Mr. Frank Klees:** In allowing Ornge to keep those funds.

**0930**

**Ms. Ruth Hawkins:** Let me explain, if I could, around the \$5 million that you have referred to. It would have been late 2008 when—and this would be during one of the quarterly reports that we would have received from Ornge. There was an identification and a request at that time that they may require some additional funding in the air ambulance program. What they were asking for was not new money, but rather to reallocate money from the critical care land ambulance program to the air ambulance program. There were three particular reasons why they wanted to do that. One was related to increased fuel costs; the second one, my recollection was, was related to training that they wished to do for their staff; and the third was related to rate increases associated with their contractors.

**Mr. Frank Klees:** What about the fourth one, that they wanted to make a contribution to the foundation?

**Ms. Ruth Hawkins:** We did not know that at the time.

**Mr. Frank Klees:** But that's what happened.

**Ms. Ruth Hawkins:** You're right. The first consolidated statement, I believe, that we received was on June 30, 2008. My recollection is that the—I'd have to go back in my memory—

**Mr. Frank Klees:** Well, let me reword this. When you found out that the \$5 million was actually put into the foundation and not used for the purposes that—what did you do?

**Ms. Ruth Hawkins:** I have no evidence that the \$5 million was put into the foundation.

**Mr. Frank Klees:** It's in the Norris report that you yourself commissioned. It's right there. It's a line item. Where did that money come from? This organization had no revenue other than revenue coming from the Ministry of Health.

**Mr. David Zimmer:** Just so I can follow this: Have we got a copy of the report and that—

**Mr. Frank Klees:** It was distributed to you.

**Mr. David Zimmer:** All right. I want to just check the line item that you're referring to. It's an important point.

**The Chair (Mr. Norm Miller):** Mr. Klees, you have four minutes left.

**Mr. Frank Klees:** Well, do you want to stop the clock?

**Mr. David Zimmer:** Yes, stop the clock. I just want to—

**The Chair (Mr. Norm Miller):** We only have so much time, so—

**Mr. David Zimmer:** But this is an important point, Chair.

**The Chair (Mr. Norm Miller):** Very well.

**Mr. David Zimmer:** Can somebody direct me? I have this document, Frank.

**Mr. Frank Klees:** Yes.

**Mr. David Zimmer:** And where are we in that?

**Mr. Frank Klees:** Let me just pull it out.

**Mr. David Zimmer:** Do you have a copy, Madam Witness?

**Ms. Ruth Hawkins:** Yes. I believe he's referring to page 17 in the report.

**Mr. Frank Klees:** So you see the line item there?

**Ms. Ruth Hawkins:** Yes.

**Mr. Frank Klees:** Did that concern you?

**Mr. David Zimmer:** Which one is it here?

**Mr. Frank Klees:** Chair, while we bring Mr. Zimmer up to speed on this, I just want to make sure that I'm not losing my time.

**Mr. David Zimmer:** Frank, we just got this this morning.

**Mr. Frank Klees:** Well, we read it this morning, Mr. Zimmer.

**The Chair (Mr. Norm Miller):** You will have half an hour, Mr. Zimmer, coming up, or 27 minutes.

Continue, Mr. Klees.

**Mr. Frank Klees:** My question is very straightforward. When you saw that in the audit report, that this organization had no revenue stream other than from the Ministry of Health and all of a sudden we have \$5 million in a line item that is a foundation, how did you react to that? What steps did you take to get clarification, and did you take any initiative at all?

**Ms. Ruth Hawkins:** Let me go back, if we can for a moment, to the \$5 million that you referenced.

**Mr. David Zimmer:** Just a second: I'm looking at the document and page 17 refers to \$8.4 million. Have I got a different document here? I don't see the line item here.

**M<sup>me</sup> France Gélinas:** The report starts with this on page 17, and it's the top of the second paragraph.

**Mr. David Zimmer:** "Effective January 1, 2008, Ornge Foundation was registered"—

**M<sup>me</sup> France Gélinas:** Yes. Go to the next line: "In the year end March 31, 2008, Ornge Foundation was allocated a specified gift from Ornge in the amount of \$8.4 million."

**Mr. David Zimmer:** Ah. Sorry, Frank. You were referring to \$5 million. That's why I couldn't find it.

**The Chair (Mr. Norm Miller):** Okay. Continue, Mr. Klees.

**Mr. Frank Klees:** Did you question that?

**Ms. Ruth Hawkins:** With regard to the \$5 million: We had a business case request from Ornge with regard to allocating the \$5 million from the land ambulance program to the air ambulance program, and it was for the three reasons that I had articulated. There was direction given at that time, because I did not have authority to be able to make that reallocation of funding from critical care land ambulance to air ambulance. So that's an important piece.

I then wrote, as I think you mentioned, a letter to Ornge indicating that a decision had been made that they could allocate the money from critical care land ambulance to air ambulance. Further, I think what's really critical is that in that letter it was not only saying that the funding had to be used for the three matters that I spoke about, but further we asked Ornge to also confirm back in writing to us that in fact they understood that and that the money would be used for the purpose intended.

**Mr. Frank Klees:** Who made the decision?

**Ms. Ruth Hawkins:** It would have been made by the deputy minister of the day.

**Mr. Frank Klees:** And who was that?

**Ms. Ruth Hawkins:** I believe it was Ron Sapsford.

**The Chair (Mr. Norm Miller):** Mr. Klees, you are out of time. We move to the NDP, please. Ms. Gélinas?

**M<sup>me</sup> France Gélinas:** I would like to start with really basic information. I take it that you prepared before you came here. You knew we were going to ask you questions about Ornge. You knew we were going to ask you questions about the Auditor General. Knowing what you know now, with all that has been printed and said about this topic, do you figure anything went wrong at Ornge?

**Ms. Ruth Hawkins:** I can only really speak for the time that I had what I'd call direct involvement, which is the period of 2007 to early 2010. During that time, if there were any matters that came to our attention, we dealt with them quickly and we dealt with them very expeditiously. Also, when we were dealing with any matters that came to our attention, we certainly sought the advice of others. We also had written assurances from Ornge, not only in some cases from the board or their senior staff, but we also had assurances if we needed to seek advice on other aspects, whether it was the Ambulance Act or whether it was the performance agreement or whatever. During that time, I feel that we had very good oversight. I worked very closely with the very capable staff in the emergency health services branch, who provided me with assistance during that time.

**M<sup>me</sup> France Gélinas:** So you felt that you had good oversight until 2010. I will go back to this, but for now my question is—you prepared to come here. We're now in June 2012. Do you believe anything went wrong at Ornge?

**Ms. Ruth Hawkins:** When I looked at the findings of the Auditor General, that was a big surprise to me. When I saw his report, when I saw what he had indicated in that

report, it was troubling, because he had indicated, in various parts of his report, as I have read through it, that there was certain data, for example, that we didn't receive. We received some information, but we found that we apparently didn't receive all the information that we probably should have.

**M<sup>me</sup> France Gélinas:** So my question is: Do you believe that there's anything wrong with Ornge?

**Ms. Ruth Hawkins:** I think that the ministry has made great efforts in terms of amending the performance agreement to ensure that any matters that were identified in the auditor's report—

**M<sup>me</sup> France Gélinas:** Are any of the matters that were identified in the auditor's report things that you consider wrong?

**Ms. Ruth Hawkins:** I think that it's very important, if we look at the auditor's report—he strongly recommended that we amend the performance agreement to make it stronger, to increase the accountability and the transparency—

**M<sup>me</sup> France Gélinas:** Why would he say that?

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**Ms. Ruth Hawkins:** He indicated, in his report, that in the original performance agreement there were particular things where Ornge did not have to come to the ministry to get approval for, for example. That would be in terms of setting up new corporate structures—they didn't need to come to the ministry to get approval for that. They didn't need to come and get approval for the way they delivered their service—

**M<sup>me</sup> France Gélinas:** And do you think this is right or wrong that they could do that?

**Ms. Ruth Hawkins:** I wasn't party to or had—

**M<sup>me</sup> France Gélinas:** No, but you are here now, and I am asking you.

**Ms. Ruth Hawkins:** I think that the new performance agreement is very, very good, and I think that it does what it needs to do, which is actually to make sure that we have good transparency, we have good oversight and that we have very good accountability.

**M<sup>me</sup> France Gélinas:** You tell us that from 2007 to 2010, while you were there, you were really diligent in following up on everything, but what we read about that period of time doesn't make sense with what you're telling us this morning. You have Mr. Blum, who goes to you in 2008; he has left Ornge, and he tells you about wrongdoing at Ornge. You develop amnesia and can't remember a word that this man has told you. Then, a couple of months later, you get a letter in November 2008 that you act upon—a letter that is pretty condemning of lots of wrongdoing going on at Ornge. So within a few months, two credible people come telling you that there are wrongdoings happening at Ornge. The first one you can't remember—you remember that you had the meeting, but you can't remember what he told you. The second one is in writing, so I'm guessing that you remember that letter, and you acted.

In between this, there was freedom of access to information from my party, from the NDP, asking for the

salary of Dr. Mazza; nobody could tell us and apparently nobody knew. We also had—I've forgotten—over 42 questions during estimates that asked about what was going on at Ornge, and we never got any answers from the Ministry of Health as to the 42 questions that were put out, that were part of the estimates. We always get answers to estimate questions, but for some reason, that time we didn't.

How am I supposed to reconcile the fact that you're telling us that you were giving good oversight from 2007 to 2010, that you gave good oversight, that there was nothing wrong going on at Ornge because the board was telling you so and the forensic investigator and the health audit services team and the MNP—everybody was telling you that it was just fine, yet you were getting credible people telling you the exact opposite. Try to make sense of that for me, because right now, I fail to see it.

**Ms. Ruth Hawkins:** I think it's very important to reiterate what I had mentioned as well, which is that when matters came to our attention, we reviewed them quickly. We also ensured that we got the necessary assurances from very capable, credible individuals in terms of reviewing those situations and providing us with support that would, in essence, provide us with the ability to respond to those particular matters—

**M<sup>me</sup> France Gélinas:** Does the fact that you did not know Dr. Mazza's salary—any other transfer payment agency of the Ministry of Health that you have been responsible to and you want to know how much money somebody who makes over \$100,000 is making, that has always been available to you. Why is it that this didn't even raise a red flag with you?

**Ms. Ruth Hawkins:** In 2008, his salary was on the sunshine list. In 2009, it was not—I believe I've got those years correct. At that time, I was—you're absolutely right—the executive lead for the land and air ambulance, among other things. We did raise the question about where his salary was. We had determined in early 2009, because Meyers Norris Penny had been undergoing their fieldwork—they had indicated in some of their early review that Ornge Peel actually had management agreements and that certain executives were now working for Ornge Peel.

**M<sup>me</sup> France Gélinas:** At the same time that this report was telling you this, it was also telling you that this agency was not making any money; that the only money that this agency was getting was coming from your ministry. Here is your ministry money going to that agency to pay people who could have just as well been paid by your ministry because you were paying them.

You've been a bureaucrat for 25 years. You rose through the ranks because you were good at what you did. You're confronted with something like this, and no red flags went up? Or did they go up and other people shooed them away?

**Ms. Ruth Hawkins:** The matter that you're referring to in terms of the public sector salary disclosure: Once we understood that there may be these management arrangements, we immediately consulted with the Ministry

of Finance with regard to the criteria that governed that particular act. The criteria for that act are very specific because it refers specifically to—

**M<sup>me</sup> France Gélinas:** I understand all of this, but you're sitting here right now because things went wrong at Ornge. I spent the first 10 minutes of my questioning getting you to say that things went wrong at Ornge. Even today, on June 26, 2012, you were not able to say that things went wrong, yet I tried for 10 minutes to get you to admit that things went wrong. Are you willing to admit now that some things went wrong at Ornge?

**Ms. Ruth Hawkins:** The auditor's report indicated that there were matters that were brought to the attention of him—

**M<sup>me</sup> France Gélinas:** So you're not willing to admit it. Why is it so hard?

**Ms. Ruth Hawkins:** I am admitting that the findings in the auditor's report are very important and very serious, and that we are taking the recommendations very seriously.

**M<sup>me</sup> France Gélinas:** Are you able to say the word "wrong"? Because I'm starting to doubt it.

**Mr. David Zimmer:** Chair, that's browbeating the witness. The witness is entitled to answer the question as she sees—

*Interjections.*

**The Chair (Mr. Norm Miller):** Ms. Gélinas, continue.

**M<sup>me</sup> France Gélinas:** They come to you to be able to spend end-of-year surplus money. You can remember in detail all of the reasons why. You can't remember conversations you've had a couple of months before, but you remember in detail exactly what they were asking you to do with that money. You failed to follow up to see that this money went to what they had been telling you that you remember in detail. It went to a foundation and a for-profit corporation. Do you figure that there are lots of transfer payment agencies in your branch of the ministry that make million-dollar donations to their foundation, that transfer millions of dollars to for-profit corporations?

**Ms. Ruth Hawkins:** I'd like to respond to the question that you talked about with regard to the \$5 million. I would disagree with you that we did not follow up. In fact, the original letter that did go to them indicated very clearly that the money was to be used, and it indicated for what. An Ornge senior executive signed back indicating that they understood that.

**M<sup>me</sup> France Gélinas:** Did you follow up to see if they actually not only understood but they actually acted the way they said?

**Ms. Ruth Hawkins:** We also received assurances from them. We had no reason at the time to disagree with the assurances that were provided—

**M<sup>me</sup> France Gélinas:** Do you have reason now to disagree with some of the assurances that they had given you in the past?

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**Ms. Ruth Hawkins:** Well, I could only speak to the assurances in the work that I did during the time of 2007 to 2010, when I—

**M<sup>me</sup> France Gélinas:** Good enough. During that period of time.

**Ms. Ruth Hawkins:** We absolutely got assurances from them, and I had no reason to doubt—

**M<sup>me</sup> France Gélinas:** Do you have reason to doubt now?

**Ms. Ruth Hawkins:** Today there's certainly a new executive in place, and I'm very confident that they have Ornge on the right track.

**M<sup>me</sup> France Gélinas:** I don't understand. You're part of the Ministry of Health. You are here to help us get to what went wrong. If everything was hunky-dory, we wouldn't be here; we wouldn't be asking you to come. But you're not helping at all. You refuse to admit that anything went wrong. You refuse to admit that people did give you signals that things were wrong; that when the board talked to you they didn't tell you the truth. When they signed assurances to you, the signature was not worth the paper it was written on. Why is it that you cannot come forward and see what's plain in front of you?

**Ms. Ruth Hawkins:** Ms. Gélinas, I want to be very clear that the auditor raised issues, and those issues were being raised starting in 2011. He raised issues in his report. He absolutely did. And those are things—

**M<sup>me</sup> France Gélinas:** Issues that were wrong?

**Mr. David Zimmer:** Chair, the witness has been asked the question several times—

**The Chair (Mr. Norm Miller):** Mr. Zimmer, you don't have the floor.

Continue, Ms. Gélinas.

**Mr. David Zimmer:** She can't insist that the witness change her answer. The witness is under oath—

**Mr. Jagmeet Singh:** Ms. Hawkins, was it wrong what happened? Was it wrong?

**Ms. Ruth Hawkins:** What I'm trying to say to you is that the Auditor General made—

**Mr. Jagmeet Singh:** Not the Auditor General. Do you think it was wrong? Now reading what the Auditor General wrote, do you think what happened at Ornge was wrong?

**Ms. Ruth Hawkins:** I think it's very disappointing that information that we as a ministry counted on—

**Mr. Jagmeet Singh:** Do you agree that assurances that were given to you, that you relied on, were false?

**Ms. Ruth Hawkins:** For the period that I had direct involvement, which was 2007 to 2010, I had no reason—

**Mr. Jagmeet Singh:** No, not that you had no reason—hear the question clearly. Not that you had no reason; that now, in retrospect, the assurances that you were given were false?

**Ms. Ruth Hawkins:** I have no proof that they were false.

**Mr. Jagmeet Singh:** Well, you have the Auditor General's report that indicated that many of the concerns

that were raised, that you were advised of, were the same concerns that continued. Despite the board telling you that the concerns had been addressed and that “We will address them,” it turns out the Auditor General’s report makes it very clear that those concerns were not addressed. So in retrospect, very clearly, the assurances that you were given by the board were false. Do you agree with that?

**Ms. Ruth Hawkins:** I wouldn’t agree that the assurances were false at that time. Let me tell you why. In the auditor’s report he actually points to, starting in 2011—that’s when he indicates there are matters that I think were disturbing.

**Mr. Jagmeet Singh:** It’s very clear that the issue of Dr. Mazza being paid a disproportionate, ridiculously high salary, given his responsibilities and given the budget of Ornge—that that salary being very, very high, or much higher than would be expected or that’s appropriate—that was clearly going on before 2011. We have ample evidence to suggest that.

At the time you were responsible, when you had been given assurances that there was nothing going on that was amiss, that everything had been taken care of—at least that one component you can confirm, that the salary that was being paid to Dr. Mazza was far disproportionate to what was appropriate. At least that issue, you must admit, was wrong, and that the assurances you were given were not reliable.

**Ms. Ruth Hawkins:** Let me do my best to answer your question. The very first thing is, I did not know what Dr. Mazza’s salary was until it was reported last year. I did not know that. That’s number one.

Number two is that the Provincial Auditor also indicated that the way the Public Sector Salary Disclosure Act is currently outlined and the criteria—that according to that act, Ornge did comply with that act.

**Mr. Jagmeet Singh:** Okay. I’m going to ask you one question here. Do you agree with me that the Auditor General—these are agree or disagree. Do you agree with me that the Auditor General’s concern—one of his concerns was that the salary that Dr. Mazza was being paid, the \$1.2 million, the \$1.4 million, was too high. Do you agree that that was an issue raised by the Auditor General?

**Ms. Ruth Hawkins:** Very much so.

**Mr. Jagmeet Singh:** Okay. Do you agree that the money that was given to Ornge was not being used properly in terms of patient care and that there were issues raised by the Auditor General in terms of the helicopters and the way the money was being used?

**Ms. Ruth Hawkins:** I believe the Auditor General was very clear in that the original performance agreement gave the—

**Mr. Jagmeet Singh:** Not the performance agreement issue, just that he had raised an issue about the money that was being used at Ornge not being used properly, that generally, that was a concern: Do you agree?

**Ms. Ruth Hawkins:** That was his concern, absolutely. What I—

**Mr. Jagmeet Singh:** Okay. So the letter—

**The Chair (Mr. Norm Miller):** Mr. Singh, let her respond.

**Mr. Jagmeet Singh:** Sure. Go on.

**The Chair (Mr. Norm Miller):** Go ahead, Ms. Hawkins.

**Ms. Ruth Hawkins:** I believe the Auditor General indicated very clearly that the original performance agreement allowed and gave responsibility for Ornge to undertake and make decisions about how they delivered that service. That was the performance agreement that we were working with at that time, up until it was amended in 2012.

**Mr. Jagmeet Singh:** So at least those two points—that the salary of Dr. Mazza was too high and that money was not being used appropriately at Ornge were issues that were raised by the Auditor General. You’ve agreed to that. Those two concerns were exactly what was raised in the letter as well. Mr. Walmsley’s letter was exactly that, Jacob Blum’s concerns were exactly that: that there were some salary issues, that people were being paid way too much and you should look into that, that money was being given out like water; and the second concern was that the money wasn’t being used appropriately. Those were two concerns raised in 2008, and they were the exact two concerns—at least those two; there’s more—that were raised by the Auditor General. So do you not see that the same concerns raised in 2008 turned out to be the exact same concerns that the Auditor General found, and that, in between, nothing was done?

**Ms. Ruth Hawkins:** I really want to reiterate that at the time, when we received Mr. Walmsley’s letter, I want you to know and I want the committee to know that we took that very, very seriously. We acted on it immediately, and I mean immediately. That was acted on within hours of receipt of that letter.

**M<sup>me</sup> France Gélinas:** We heard this, and you’ve stated this a number of times: The forensic investigation team was called in, the health audit services team was called in, plus we have the MNP that was going—we get all of this. But at the end of the day, you didn’t know how much Mr. Mazza was making, and this is what the complaint was all about. At the end of the day, those people had basically been whistle-blowers, telling you, “This guy’s salary is out of whack.” But you conclude your investigation not knowing how much he’s making. Is it just me who thinks there’s a disconnect here?

**Ms. Ruth Hawkins:** I think what’s really important is that at that point in time, we relied very heavily on individual—

**M<sup>me</sup> France Gélinas:** But you relied on individuals who did not give you answers.

**The Chair (Mr. Norm Miller):** Just let her respond. Go ahead.

**Ms. Ruth Hawkins:** We relied heavily on individuals who had—let’s think about who the people were that we relied on. We relied on people who have professional designations, that have very high ethics and values. There

was no reason, when I received assurances from those individuals, that that information was not correct.

**M<sup>me</sup> France G elinas:** Have you ever dealt with Mr. Apps?

**Ms. Ruth Hawkins:** Never.

**M<sup>me</sup> France G elinas:** Have you ever seen any of the documents that he has prepared?

**Ms. Ruth Hawkins:** Yes.

**M<sup>me</sup> France G elinas:** What kind of documents?

**Ms. Ruth Hawkins:** He prepared, I believe, a letter relating to consolidation efforts that was, I'm going to say, early 2008, and I believe he also had written a letter—I think one within the ministry and possibly one to the Ministry of Finance as well.

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**M<sup>me</sup> France G elinas:** There were people within the Ministry of Finance who alerted yourself and five other members of the Ministry of Health that it was weird that when they were asking for basic financial information from Ornge, financial information that your ministry should already have, they couldn't get it and they had to deal through Mr. Apps. Had this been the case with you?

**Ms. Ruth Hawkins:** Can you give me more specifics with regard to that request you're just referring to?

**M<sup>me</sup> France G elinas:** Sure. During the consolidation effort, the Ministry of Finance was in charge of this. They were asking Ornge for basic financial information; they couldn't get it. They approached, through an email, yourself, as well as five other people within the Ministry of Health, telling them that they're having a tough time getting financial information from Ornge, and isn't it odd that their request for financial information gets answered by Mr. Apps.

**Ms. Ruth Hawkins:** Let me try to answer that as well. In what would have been late 2007, just as I'd taken on my role as executive lead, and in early 2008, there were efforts under way with regard to consolidation. As part of that, as one of your other witnesses indicated, the decisions with regard to consolidation are made by the Ministry of Finance through the provincial controller's office. It is not unusual that the provincial controller's office would ask the ministry for various pieces of information. That would not be unusual at all for them to do that. Remembering as well, this would be the very first time that Ornge would be consolidated. So there would be information that maybe was asked for that we may not have had readily at hand.

**Mr. Jagmeet Singh:** Ms. Hawkins, I just want to confirm this for the record: Would you agree with the statement that the same concerns—or at least these two concerns—that were raised in 2008 by the letter by Mr. Walmsley, the concerns of salary being too high for some of the executives and that the money that was given to Ornge not being used appropriately, were the two very same concerns—two of many—that were raised by the Auditor General in his report later on in 2011?

**The Chair (Mr. Norm Miller):** You have one minute left.

**Ms. Ruth Hawkins:** I believe the Auditor General spoke specifically that even though there were for-profit entities and if there were individuals who were hired by those for-profit entities, he felt that it was important that we should receive that information.

**Mr. Jagmeet Singh:** The two concerns were the same. Do you agree with that statement, that the concerns raised in 2008 were the same concerns, ostensibly, that were raised by the Auditor General? Obviously, Mr. McCarter went into much more detail and much more thoroughly, but they were the same two concerns, ostensibly. Do you agree?

**Ms. Ruth Hawkins:** Yes.

**The Chair (Mr. Norm Miller):** We are out of time, so we'll move to the government now. Who would like to ask questions? Mr. Zimmer, go ahead.

**Mr. David Zimmer:** Ms. Hawkins, Mr. Klees has spent some time in his examination of you bringing up various things that Mr. Jacob Blum had raised at this committee. My sense was, he seemed to put a lot of confidence in Mr. Blum's word and evidence. Have you had a chance to review Mr. Blum's evidence?

**Ms. Ruth Hawkins:** I did.

**Mr. David Zimmer:** Do you recall that Mr. Blum was asked questions about the circumstances of his leaving or departure from Ornge?

**Ms. Ruth Hawkins:** My recollection—

**Mr. David Zimmer:** No, no; do you recall that exchange in his evidence?

**Ms. Ruth Hawkins:** It was in his evidence, yes.

**Mr. David Zimmer:** Do you recall, reviewing that evidence, that Mr. Blum stated unequivocally that he was not fired but that he resigned?

**Ms. Ruth Hawkins:** No, I do not. I saw it in his evidence, but I think it's important that—my recollection is, when I verified the information, that our meeting was in early July. He indicated in his evidence that he left somewhere around July 17 or 18.

**Mr. David Zimmer:** But Mr. Blum's position is that he resigned, and sometime a couple of weeks later, Mr. Tom Lepine—do you know who Mr. Lepine is?

**Ms. Ruth Hawkins:** Yes.

**Mr. David Zimmer:** All right. Mr. Lepine said that Mr. Blum was fired. Are you aware of this question about whether Blum was fired or resigned?

**Ms. Ruth Hawkins:** Only to the extent of reading the proceedings of this committee.

**Mr. David Zimmer:** Do you have any information or did you get any information yourself whether Blum was fired or resigned?

**Ms. Ruth Hawkins:** No, I did not.

**Mr. David Zimmer:** Do you have a view as to whether he was fired or resigned?

**Ms. Ruth Hawkins:** I do not.

**Mr. David Zimmer:** When Mr. Blum was here giving his evidence, he brought selected portions of his diary, which he referenced in his evidence, and today, after being compelled by the committee, Mr. Blum has released the full contents of his diary. It's a thick docu-

ment; I would say it's six or seven inches. Were you aware that this committee had to compel Mr. Blum to release the full contents of his diary rather than selected excerpts?

**Ms. Ruth Hawkins:** Only to the extent that I would have read the motions.

**Mr. David Zimmer:** In previous evidence of witnesses, reference was made to rumours circulating around the executive suite at Ornge about Mr. Blum's drug use; in particular, cocaine use. Were you aware of any of that at the time?

**Ms. Ruth Hawkins:** Not at all.

**Mr. David Zimmer:** Did you read that in the evidence?

**Ms. Ruth Hawkins:** I read it in the proceedings of this committee—some questioning around that.

**Mr. David Zimmer:** Did you have personal dealings with Mr. Blum?

**Ms. Ruth Hawkins:** I only met with Mr. Blum once, and it was the meeting that we have just referenced that was held in early July.

**Mr. David Zimmer:** From your point of view, did you find that a forthcoming and satisfying meeting or not?

**Ms. Ruth Hawkins:** I actually don't recollect a whole lot about that meeting, other than it was held at 5700 Yonge Street.

**Mr. David Zimmer:** The members of the forensic investigation team that met with the complainant in November about the letter from the complainant: Do you know who those two persons were?

**Ms. Ruth Hawkins:** I couldn't tell you their names offhand.

**Mr. David Zimmer:** Could you determine that and give us that information?

**Ms. Ruth Hawkins:** Absolutely, I could. Yes.

**Mr. David Zimmer:** Typically, what are the qualifications of someone on a forensic investigation team?

**Ms. Ruth Hawkins:** I couldn't tell you exactly, but typically the individuals who are in the internal audit division, of which the forensic investigation team is a part, would typically be individuals who have an accounting designation of one sort or another. Oftentimes they may also have further training as it relates to investigative techniques, so various specialized training courses, for example. I couldn't tell you—

**Mr. David Zimmer:** What's your understanding of how a forensic auditor's skill set differs from a regular auditor's?

**Ms. Ruth Hawkins:** The forensic auditor, I believe, would be—and I can't speak to it, because I'm not one, which is why we actually engage them. But certainly they would be looking for, I would think, specific evidence, hard evidence as opposed to hearsay, in order to make their determination. They no doubt asked a series of questions, but I can't go beyond that because I'm not one. I do know that we relied very heavily on the work that they did.

**Mr. David Zimmer:** Would you agree with me that when one calls in a forensic auditor rather than a regular auditor, there's a whole different approach to the audit? They're looking for things that aren't right from a forensic point of view.

**Ms. Ruth Hawkins:** That would be correct.

**Mr. David Zimmer:** Why did the ministry send in, from your point of view, a forensic auditor rather than a regular auditor?

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**Ms. Ruth Hawkins:** In this situation, I took the advice of the director of the health audit service team. We determined that we felt that it would be very helpful if we did have forensic investigation so that we could actually have somebody who actually goes out and looks for the kind of evidence and asks the kinds of questions that would get at what this gentleman had raised in his complainant letter.

**Mr. David Zimmer:** Would you agree with me that a forensic audit, as opposed to a regular audit, is really the highest, the most rigorous, the most demanding type of audit?

**Ms. Ruth Hawkins:** I would say yes, and that is why we asked that these individuals review the allegations in this letter that the complainant had written.

**Mr. David Zimmer:** It was the report, then, of the forensic auditors that you placed great weight on in deciding what to do in following up on their report?

**Ms. Ruth Hawkins:** We relied very heavily on their findings.

**Mr. David Zimmer:** Thank you.

**The Chair (Mr. Norm Miller):** Ms. Sandals.

**Mrs. Liz Sandals:** Good morning, Ms. Hawkins. I'd like to follow up a little bit on the exchange that we had earlier around the MNP report at page 17. There was a question around a transfer of \$5 million. If I understood your response correctly, you referenced a transfer of \$5 million either from air to critical or critical to air—which was it?

**Ms. Ruth Hawkins:** It was critical care land ambulance to the air ambulance program.

**Mrs. Liz Sandals:** You approved that transfer from one program to another. Just to clarify: That was transfer payment money to Ornge, and do I understand correctly that Ornge came to you and said, "We have a bit of a surplus in this line. We have a bit of a challenge in another line. Do we have your permission to transfer from one program to another?" Was that the conversation?

**Ms. Ruth Hawkins:** That is correct.

**Mrs. Liz Sandals:** Can you tell us, then, the action of the ministry?

**Ms. Ruth Hawkins:** Yes. Actually, that request came in the form of a business case from Ornge at the time. The rationale associated with that particular request: It would come to the attention of the emergency health services branch, and the staff in that branch would do analysis, and that analysis would be submitted to myself as well as, at the time, the chief administrative officer.

We did not have the authority to make that decision. That analysis would have gone to the deputy minister of the day to provide direction.

**Mrs. Liz Sandals:** Is that a process that you would have carried out with other transfer partners? If any transfer partner came and said, “We have a challenge here. We could transfer some money from another piece of the budget. Do we have your permission to transfer from one line to another?”, this would be a process that you just described that you would have done had any transfer partner made that request?

**Ms. Ruth Hawkins:** That’s correct.

**Mrs. Liz Sandals:** This was a fairly routine conversation around, “Is there a business case supporting transfer from one line to another within a transfer payment partner’s budget?”

**Ms. Ruth Hawkins:** That’s correct.

**Mrs. Liz Sandals:** What I don’t understand is what, if anything, that has to do with a note in the MNP report about a transfer from Ornge to the Ornge Foundation of \$8.4 million. Are these two conversations in any way related?

**Ms. Ruth Hawkins:** I would say that they’re only related because of the Ornge financial statement, so let me get back to it. The reallocation from critical care land ambulance to air ambulance was a fairly routine request that may come from other transfer payment entities. For the Ornge Foundation that is noted on page 17 and was subsequently noted on the financial statement, I don’t have any evidence to show—maybe others do—that in fact Ornge took that \$5 million and actually used it for this purpose that is identified on page 17.

We got assurances from the senior folks—it was actually the VP; I forget her exact title, but Ms. Renzella wrote us back and asserted that in fact the \$5 million that we had given authorization for was used for the purpose intended. It was for those three things that we talked about: One was for additional fuel costs, the second one was related to training, and the third was related to rate increases associated with the service contractors.

**Mrs. Liz Sandals:** Did the money go through the foundation—

**Ms. Ruth Hawkins:** No, it did not.

**Mrs. Liz Sandals:** It did not. So the \$5-million transfer from one place to another, if I’m following, really has nothing to do with the entry that’s in the MNP report at page 17.

**Ms. Ruth Hawkins:** I do not believe so. Our transfer—

**Mrs. Liz Sandals:** Okay, that’s why I was confused. I couldn’t see any connection between the transfer you were talking about, which I was aware of, and the \$8.4 million that is noted in the MNP report.

If I may note, what the auditor says about that is that there was money transferred to the Ornge Foundation, and it would be used to—I’m paraphrasing here—purchase assets. But it then goes on, and this is a direct quote: “Ornge received a perpetual licence to use the assets purchased or developed with this donation, and the

asset will be gifted over to the province in the event that the” performance agreement “is terminated.” Then it goes on, further down, to say, “The transaction was recorded by way of journal entry, and the funds continue to remain in Ornge’s bank account. Management advises that the procurement policies and procedures set up in Ornge will be used in the spending of grant funding by any Ornge entity.”

Recognizing that this seems to be a discussion about some different funds and assets, was there anything in that note in the audit report that raised any particular concern, other than perhaps the oddity of why they set up the foundation?

**Ms. Ruth Hawkins:** I don’t think it did because, specifically, Meyers Norris Penny had indicated in some other notation within the report that they didn’t raise any issues with the fact that this Ornge Foundation had been set up. I don’t have the exact page, but there is reference to that.

**Mrs. Liz Sandals:** Okay, thank you. That clarifies a bit, because we seem to have two sides of a conversation that didn’t seem to be directly related. I’ll turn it over to Mr. Moridi.

**Mr. Reza Moridi:** Thank you, Ms. Hawkins, for appearing before this committee. I understand, Ms. Hawkins, that you were assistant deputy minister with the Ministry of Health and Long-Term Care, and also that you are the chief administrative officer for the ministry’s corporate services. How long have you been holding these positions?

**Ms. Ruth Hawkins:** I’ve held that position since early 2010.

**Mr. Reza Moridi:** What previous positions did you have with the ministry?

**Ms. Ruth Hawkins:** Prior to my current position, as I mentioned, from 2007 to 2010, I was the executive lead. It is in that capacity that, as I mentioned, I had direct involvement with land and air ambulance as well as OHIP registration and claims processing. In addition, another role that I played was—we were divesting the last provincial psychiatric hospital. That was also a project. Prior to that, I was working with the late Dr. Sheela Basrur in public health, so I had at least a couple of years that I worked with her and had that wonderful opportunity. I also had the opportunity to work in the deputy minister’s office as one of his advisers.

1020

**Mr. Reza Moridi:** When it comes to Ornge and also its predecessor organization, Ontario Air Ambulance, could you give us some precise information about your oversight and responsibilities over these two organizations?

**Ms. Ruth Hawkins:** Yes. Let me just reiterate with regard to my oversight during the period of 2007 to 2010. The emergency health services branch reported to me during that particular time. We focused primarily, as I had mentioned, on the three critical aspects of our oversight responsibilities, which were: the performance agreement that was put in place at the time; secondly, the

Ambulance Act; and thirdly, the transfer payment accountability directive. Within those particular areas of responsibility, the emergency health services branch did further investigations. There was also compliance certification that I believe Mr. Bates had spoken to the committee about. Thirdly was the financial reporting. Under the financial reporting, we would get quarterly reports, we would get annual reports, and we would get business plans from them. Then, of course, throughout the course of that time, there was always a lot of dialogue. There was a particular gentleman in the emergency health services branch, during my time as executive lead, who had primarily the day-to-day contact with Ornge.

**Mr. Reza Moridi:** Did you have any dealings with Ornge and its predecessor organization between 2003 and 2007?

**Ms. Ruth Hawkins:** I did not.

**Mr. Reza Moridi:** Okay. Ms. Hawkins, the Auditor General, in his report, mentions that Ornge refrained to provide information to the Auditor General. Did you have a similar experience in dealing with Ornge, in terms of obstruction of information to the ministry?

**Ms. Ruth Hawkins:** I've thought a lot about that statement that the auditor made. At the time, we didn't know what information we weren't getting, frankly. They gave us the information that we had asked for, but we didn't know what we were not told.

**Mr. Reza Moridi:** Would you agree with the Auditor General that they were refraining from the provision of information to the Auditor General?

**Ms. Ruth Hawkins:** I'm sorry, could you repeat that?

**Mr. Reza Moridi:** Would you agree that Ornge was refraining from providing information to the Auditor General, as he mentions repeatedly in his report? Would you agree with him?

**Ms. Ruth Hawkins:** He was very clear that he did not get the information that he asked for, and when he did get it, it was delayed.

**Mr. Reza Moridi:** Now knowing that they actually refrained from the provision of information to the Auditor General, would you think that Ornge did this deliberately? Do you think that they deliberately refrained from providing information to the Auditor General?

**Ms. Ruth Hawkins:** I would hope not.

**Mr. Reza Moridi:** The ministry, I understand, tried to compel Ornge to provide information. Were you involved in that process of asking Ornge to provide information to the ministry?

**Ms. Ruth Hawkins:** Could you give me more specifics about what you may be referring to?

**Mr. Reza Moridi:** Well, the information with regard to, for example, the sunshine list, the salary disclosure. Were you involved in compelling Ornge to provide information to the Ministry of Health and Long-Term Care?

**Ms. Ruth Hawkins:** No, I was not directly involved in what had transpired. I think he was referring to 2011 in his report.

**Mr. Reza Moridi:** Thank you very much.

**The Chair (Mr. Norm Miller):** Anyone else for questions over there? We have five minutes left.

**Mrs. Liz Sandals:** No, I meant we were finished.

**The Chair (Mr. Norm Miller):** You're finished. Okay.

Thank you very much. We've had equal time for all parties. Thank you for coming before the committee this morning.

**Ms. Ruth Hawkins:** Thank you.

*Interjections.*

**The Chair (Mr. Norm Miller):** Do we have agreement from the committee to allow the last five minutes to be—

**Mrs. Liz Sandals:** I have a few more questions, Chair. Thank you very much.

We've spent a lot of time looking retroactively backwards; I wonder if we could do a little bit more current and forward-looking. If you look at the level of oversight that you had 12 months ago versus the level of oversight that is available today, how would you compare that level of oversight that's available?

**Ms. Ruth Hawkins:** I would say that the amended performance agreement has a much greater degree of oversight, accountability and transparency. The original performance agreement did not require Ornge to seek approval for—for example, they didn't have to come and ask to issue bonds; they did not have to come and ask to buy helicopters. That was the responsibility of Ornge.

The amended performance agreement that came into place in March has much greater accountability. They must now come to the ministry and ask for approval prior to undertaking something like that.

**Mrs. Liz Sandals:** Many of the serious issues, like the issuance of bonds, the purchase of helicopters, the creation of all these spinoff companies that I don't think we've even figured out yet—none of those actions would be possible under the new performance agreement.

**Ms. Ruth Hawkins:** That's my understanding.

**Mrs. Liz Sandals:** Thank you.

**The Chair (Mr. Norm Miller):** Thank you very much. Thanks for coming before the committee this morning.

**Ms. Ruth Hawkins:** Thank you.

#### CITY OF OSHAWA

**The Chair (Mr. Norm Miller):** Now we have our next witness: Mr. John Henry, mayor of the city of Oshawa. Come forward, please. Welcome, Mr. Henry. You've received the information for a witness coming before committee?

**Mr. John Henry:** Yes.

**The Chair (Mr. Norm Miller):** Very well. Thank you. Our clerk has an oath for you.

**The Clerk of the Committee (Mr. William Short):** Mr. Henry, do you solemnly affirm that the evidence you shall give to this committee touching the subject of the present inquiry shall be the truth, the whole truth and nothing but the truth?

**Mr. John Henry:** Yes.

**The Clerk of the Committee (Mr. William Short):** Thank you.

**The Chair (Mr. Norm Miller):** I believe Mr. Henry has a number of documents that he does have copies of for all committee members, which the clerk will distribute to committee members.

You have time for an opening statement. Would you like to take a few minutes?

**Mr. John Henry:** Thank you, Chair. With me today we have David Potts, director of legal services; Cindy Symons-Milroy, who is the director of economic development; and Stephen Wilcox, who is our airport manager.

I'm happy to be here today. The documents that are being passed around are a complete collection of the history between the transactions of Ornge and the city of Oshawa—all emails, all documents. There is a section in the front of it that will give you the date, the contact and a summary of what the item is, so it should be very easy to follow through. Specific questions related to what went on are available here. I may not be able to answer the aviation questions, so that's why we have brought Mr. Wilcox.

**The Chair (Mr. Norm Miller):** Thank you for providing all that information.

**Mr. John Henry:** Thank you so much for allowing me the opportunity to come here today and bring forward the city of Oshawa's dealings with Ornge, which were actually quite favourable for both Ornge and the city of Oshawa.

The city of Oshawa, as you're aware, is east of Toronto. By bringing Ornge into the Oshawa area, we were able to offer the opportunity for a higher level of health care to 4.4 million people in Ontario.

**1030**

While we're here and as I'm starting to speak, I really do truly want to take the time. I have a background, from my younger days working in emergency measures—I was trained as a firefighter—to really have the respect for the front-line service people, for the pilots and the people who work on the helicopters. This doesn't deviate from the great work that they do, along with police, paramedics, fire and hospital throughout Ontario, and I want to make that point. They are, despite all that's going on, a key part of the health care of the residents of Ontario.

When you look at the city of Oshawa—and you will hear later today, I'm sure, why the business case for Oshawa worked—it made sense. We were centrally located. If you look at the city of Oshawa and the airport, it has all the features it needed to make Ornge successful.

The first talks related to the city of Oshawa and Ornge go back, actually, into 2009. There was an ongoing history of discussions. It went back and forth. During that time, this was a great deal. It was good for Ornge, it was good for Oshawa, and it was great for the people of Ontario to deliver that kind of service. Within the document, you will find a map in the centre of the document that will tell you why Oshawa worked and how it

served all those people. I'm very proud of the interaction that we had with Ornge, and ultimately, as mayor of the city of Oshawa, I am responsible for all actions in Oshawa. This was a great opportunity for two publicly run corporations to come together and deliver a higher level of health care to the residents of Ontario. I'm incredibly proud of the work that the staff of the city of Oshawa did in its relationship with Ornge, and if you read the document, you will see that due diligence was done and this is a great partnership. Thank you.

**The Chair (Mr. Norm Miller):** Thank you. The NDP will go first this time. You'll have about 28 minutes for your questioning. Go ahead, Ms. Gélinas.

**M<sup>me</sup> France Gélinas:** Thank you, Your Worship. I appreciate you taking the time to come and talk to us this morning.

I would say that you are an unfortunate bystander to what went on at Ornge, but while you're here, in the dealings of the people before you, did you ever have any inkling as to something was wrong at Ornge, that the salaries were not being disclosed, that maybe money was being used in a way that it was not supposed to?

**Mr. John Henry:** I wasn't aware of any of that. The only thing I was aware of is that whenever I saw a helicopter fly over the city of Oshawa, I knew that somebody was getting great health care. I wasn't aware of any of the other issues, and if you follow the order, none of those issues came forward during the process when we made the arrangements with Ornge to make it work at the Oshawa airport.

**M<sup>me</sup> France Gélinas:** Obviously, I didn't have time to go through your document, although I want to thank you for being so forthcoming and open with sharing all of that with us.

Through memory, do you know if you had any dealings with people at the Ministry of Health to try to secure this partnership between Oshawa and Ornge?

**Mr. John Henry:** As far as I'm aware, the only dealings we had were interactions between Ornge and the city of Oshawa, and then Ornge had some dealings with people at the airport related to the purchasing of the hangar.

**M<sup>me</sup> France Gélinas:** All right. Have you ever met Mr. Alfred Apps?

**Mr. John Henry:** I do not believe so.

**M<sup>me</sup> France Gélinas:** Do you know who he is?

**Mr. John Henry:** No.

**M<sup>me</sup> France Gélinas:** No. Never talked to him or anything like that? He was never involved in your dealings with Ornge?

**Mr. John Henry:** Actually, staff pulled together a complete list. Could you say his name again, please?

**M<sup>me</sup> France Gélinas:** Alfred Apps, A-P-P-S.

**Mr. John Henry:** Spell the last name again?

**M<sup>me</sup> France Gélinas:** A-P-P-S.

**Mr. John Henry:** Actually, I have a list of all the interactions by name, and he's not on this list.

**M<sup>me</sup> France Gélinas:** Very good. Have you ever talked to anybody within the Liberal Party about helping you with the dealings between Ornge and Oshawa?

**Mr. John Henry:** Actually, not on this issue, but I've had several dealings with members of the Liberal Party on another issue called the 407.

**M<sup>me</sup> France Gélinas:** Oh, yes. I could see this.

Have you ever met Dr. Mazza?

**Mr. John Henry:** No.

**M<sup>me</sup> France Gélinas:** You've never met him? All right.

Basically, our questions will be fairly brief. You are mayor of a city. It is completely understandable that you would reach out to politicians, your local MPP. Ornge is a service under the wing of the provincial government. Has the city ever approached your local MPP to help with the endeavour of bringing Ornge to Oshawa?

**Mr. John Henry:** I actually have reached out to our MPPs on several issues related to things for the city of Oshawa and the region of Durham, ultimately the province of Ontario, if you had followed my comments on some of the other things I've done. This is about the economy of southern Ontario. Oshawa is only part of the Ornge issue today, but Ornge is a big part of Ontario. I do reach out to MPPs on a regular basis. I do talk to MPPs throughout the Durham region, because not only am I the mayor of the city of Oshawa, I'm also a regional councillor in the region of Durham and I have interaction with members through the entire region.

**M<sup>me</sup> France Gélinas:** Very good, and so you should. I encourage you to keep on doing this. If we are there to help our constituents, if we can be useful, then this is what we're elected to do. Thank you very much.

**The Chair (Mr. Norm Miller):** Mr. Singh?

**Mr. Jagmeet Singh:** No, thank you. I have no questions.

**The Chair (Mr. Norm Miller):** Very well. I'll note how much time you used and we'll move on to the government then. Mr. Leal.

**Mr. Jeff Leal:** Thanks very much, Mr. Chair. How much time do I have?

**The Chair (Mr. Norm Miller):** You have 28 minutes.

**Mr. Jeff Leal:** Thank you very much. Welcome, Mayor Henry. Good to see you again. How long have you been mayor of Oshawa?

**Mr. John Henry:** I was elected as mayor in the October 2010 election and I was a regional councillor for one term prior to that.

**Mr. Jeff Leal:** Could you tell the committee what provincial and federal ridings are included within the city of Oshawa?

**Mr. John Henry:** Provincial and federal ridings? Well, of course, we have all parties during elections currently—

**Mr. Jeff Leal:** No, no, the ridings. What ridings are in the city of Oshawa? Is it one riding, two ridings?

**Mr. John Henry:** It's two ridings.

**Mr. Jeff Leal:** What's the name of those ridings?

**Mr. John Henry:** We have the Whitby–Oshawa riding and the Oshawa riding.

**Mr. Jeff Leal:** Who are the current members of provincial Parliament that represent those two ridings?

**Mr. John Henry:** Of course, Jerry Ouellette is here today and Christine Elliott is—I assume that she would be out doing the business of her constituency today.

**Mr. Jeff Leal:** Who are the current members of the federal Parliament from Oshawa?

**Mr. John Henry:** That would be Dr. Colin Carrie in Oshawa and the Honourable Jim Flaherty for Whitby–Oshawa.

**Mr. Jeff Leal:** Could you tell me in which riding, federally and provincially, the airport is located?

**Mr. John Henry:** The airport is located in the middle of Oshawa. It covers a vast section of Oshawa. It's on the east side of Simcoe Street, so it would be in the federal riding of Minister Flaherty.

**Mr. Jeff Leal:** As you're aware, you've been asked to attend before this committee because of a decision that was made by Ornge in June 2011 to establish a base in the Oshawa Municipal Airport, correct?

**Mr. John Henry:** Yes.

**Mr. Jeff Leal:** It is my understanding that you, as mayor of Oshawa, took on the responsibility of attempting to attract and incent Ornge to establish a base at the Oshawa airport. Is that indeed correct?

**Mr. John Henry:** We actually worked with Ornge, and you'll find that all those documents that you're referencing are in this document. We did put together a plan to work with Ornge to come to Oshawa, yes.

**Mr. Jeff Leal:** If we could go back to this period, then, could you describe for the committee in detail what steps you took in pursuit of the resolution to secure the base in Oshawa?

**Mr. John Henry:** Actually, I can, if you give me one second. I'll give you the reference. If you'd like to turn to page 309 in the manual that you have, the document that we sent to Ornge is there and it's listed. It's signed by me. It was dated June 29 and it has all the things listed. If you look at item 1—

**Mr. Jeff Leal:** Sorry, what was the page number?

**Mr. John Henry:** It's page 309.

**Mr. Jeff Leal:** Thank you. Okay.

**Mr. John Henry:** I'm prepared to answer any of those questions, or I can walk you through it if you'd like me to.

**Mr. Jeff Leal:** Sure, if you want to provide a quick comment on it, I'd appreciate it.

**Mr. John Henry:** Item number 1 talks about waiving landing fees. Currently we do not charge Durham Regional Police for landing their helicopter at the airport because it is an essential part of our community. We looked at Ornge as being an essential part of the community.

**Wholesale fuel program:** The city of Oshawa actually owns the fuel system at the Oshawa airport.

Priority snow removal: We do priority snow removal for the police department now in the performance of their duties. We would just continue to do that.

The airport apron will need improvements. Those documents are in here. You'll actually find the detailed drawings for those documents in here as well for your own reference later, when I expect you would read the entire document.

1040

**Mr. Jeff Leal:** I will; you can be assured of that.

**Mr. John Henry:** There was a grant to offset property taxes, an operation-of-a-hanger grant, a potential grant to offset regional property taxes—I bring in the comment “potential”—potential of an operational/hangar grant—potential—and there are some miscellaneous terms, A through D.

**Mr. Jeff Leal:** Were you aware during that time that the Oshawa Municipal Airport was deficient in many aspects, as outlined by Mr. Potter in his testimony here, at least insofar as the suitability for the air ambulance base was concerned?

**Mr. John Henry:** It's kind of funny, because through here you'll find a reference that the airport was in great shape. The business plan is in the front of the document, and I wouldn't be aware of what Mr. Potter has said, nor could I prepare for his comments because I wasn't here for the conversation.

**Mr. Jeff Leal:** Just to follow up on Mr. Potter's testimony: He indeed, of course, had his testimony under oath. Were you aware that the Oshawa—

**Mr. John Henry:** As am I.

**Mr. Jeff Leal:**—as you are. Were you aware that the Oshawa airport, according to his testimony, had a takeoff and landing curfew of 11 p.m.?

**Mr. John Henry:** Actually, if you would read the document that's included here, medical flights are exempt from that. So are police flights.

**Mr. Jeff Leal:** According to his testimony, were you aware that the Oshawa Municipal Airport did not have an instrument landing system?

**Mr. John Henry:** I'm not aware of what he would say. Again, I wasn't here.

**Mr. Jeff Leal:** Were you aware that if Ornge was to use Oshawa there would be a significant issue in terms of ability to land during inclement weather?

**Mr. John Henry:** I wasn't aware he said that, no.

**Mr. Jeff Leal:** Continuing on with his testimony, were you aware the Oshawa Municipal Airport did not have a suitable runway to accommodate Ornge?

**Mr. John Henry:** For aircraft. We're talking about a helicopter. Helicopters don't need a lot of runway.

**Mr. Jeff Leal:** Were you aware that the Oshawa Municipal Airport, according to his testimony again, had a significant noise abatement problem and that local residents were very active in raising their concerns about airport-related noise?

**Mr. John Henry:** We get very few calls about the police helicopters, so I imagine that anything related to an air ambulance helicopter would be minimal. We ac-

tually had a very interesting council meeting last night that went to 1:30 in the morning—

**Mr. Jeff Leal:** I remember those days well.

**Mr. John Henry:** —to talk about airport issues.

**Mr. Jeff Leal:** Committee has been provided a comprehensive review of the incentive package. I have a copy of the agreement that was ultimately signed between the city of Oshawa and Ornge.

**Mr. John Henry:** That agreement was signed by me, yes.

**Mr. Jeff Leal:** It details a remarkable range of incentives that your city offered up to Ornge in order to secure the base. Perhaps you could read into the record the various incentives that are set out in this agreement.

**Mr. John Henry:** I think I just did.

**Mr. Jeff Leal:** Could we go through it again?

**Mr. John Henry:** Did you miss it the first time?

**Mr. Jeff Leal:** Yes, I think I did.

**Mr. John Henry:** If you turn to page 309 within the bundle that we gave you so that everybody is on the same page, we talked extensively—as I lead into the incentives, don't forget: These are two publicly owned corporations working together to provide the best deal for the residents of Ontario, because Ornge services Ontario. This isn't about the city of Oshawa; this is about providing better health care in a faster, more efficient manner across southern Ontario to 4.4 million people.

Number one, if you look at it: Oshawa will waive Ornge landing fees for a period of 20 years. As I stated earlier, we do not charge the Durham regional police landing fees, and they run a helicopter out of our airport.

Oshawa owns the fuel system at the Oshawa airport.

Priority snow removal: We do that for police now. We would do it for Ornge just to make sure that the residents of Ontario get the best health care out of the airport as they possibly could.

We would need to make airport improvements in that amount, as in here. You will find in here later a document that talks about airport improvements and how, when the deal came together at the airport and a hangar was sold, some of the proceeds of that hangar sale were dedicated towards airport apron improvements.

A grant to offset property taxes at the city of Oshawa, operational/hangar grant, a potential grant to offset regional property taxes, a potential operational/hangar grant—and then there are some miscellaneous terms that you can read down through here.

**Mr. Jeff Leal:** Thank you very much. As a former person who spent 18 years on municipal council, did you consult with council before offering and ultimately agreeing to these—

**Mr. John Henry:** Actually, you'll find within this document complete approval from Oshawa council for me to go forward. Council was absolutely aware of the deal in the end, as all councils should be informed.

**Mr. Jeff Leal:** I just want to talk about the hangar for a moment.

**Mr. John Henry:** We don't own the hangar.

**Mr. Jeff Leal:** What was the process that it took to convince the particular company to sell the hangar to Ornge?

**Mr. John Henry:** I wasn't involved in the real estate transaction at all, but there's documents here supporting the conversation that took place.

**Mr. Jeff Leal:** Is it safe to say that—was there pressure put on the company to sell that hangar to Ornge?

**Mr. John Henry:** Well, actually, no, because they reinvested in the airport, bought another piece of property, are building another building; and we will increase our property taxes from that endeavour.

**Mr. Jeff Leal:** Do you know if the particular company involved made any money off of the sale of this particular hangar?

**Mr. John Henry:** It was a private real estate deal. I don't get involved in private business dealings between any parties in the city of Oshawa. It's not appropriate.

**Mr. Jeff Leal:** Do you know if any other private entities at the Oshawa airport were designated to make money as a result of the establishment of the base at Ornge?

**Mr. John Henry:** Well, I imagine that anybody that supplies parts and services would make money. I'm not aware of any direct relationship, nor do I have any relationship with any business at the Oshawa airport.

**Mr. Jeff Leal:** Another one of the incentives that was offered to Ornge to secure the base was a capital investment of \$62,000 to construct a 1,200-foot taxiway. Was that necessary?

**Mr. John Henry:** I'm not sure. It's definitely less than the money that was put into the Peterborough airport.

**Mr. Jeff Leal:** The \$62,000 was coming from the third party, I take it?

**Mr. John Henry:** No, it wasn't \$62,000; it was \$30,000.

**Mr. Jeff Leal:** Do you know who the third party was?

**Mr. John Henry:** It was the person that sold the building to Ornge.

**Mr. Jeff Leal:** Do you know the name of that entity?

**Mr. John Henry:** I do. It's in the documents.

**Mr. Jeff Leal:** Thank you very much.

In recent weeks, we've heard testimony from two individuals, Mr. Potter and Mr. Lepine, that the decision to establish a base in the Oshawa airport was not supported by the technical experts at Ornge. For example, on May 9, 2012, Rick Potter, former chief executive officer at Ornge, indicated that "Oshawa was certainly not an airport of my choice...." Here's what he said: He told us that the Oshawa airport was deficient in a number of ways. First, we talked about the 11 p.m. curfew for take-off and landing—

**Mr. John Henry:** Excuse me; while you're saying that, we've clarified that. There is no curfew for medical flights or police flights or emergency parts delivered at the Oshawa airport.

**Mr. Jeff Leal:** So Mr. Potter was wrong, then, in his testimony—

**Mr. John Henry:** Mr. Potter is wrong in that statement, yes.

**Mr. Jeff Leal:** Is it true—

**Mr. John Henry:** That document is in here, so you will be able to find it and the reference to the operating hours at the airport.

**Mr. Jeff Leal:** Is it true that throughout this period of time you were facing some significant resistance from area residents about plans to expand one of the Oshawa airport runways from 4,000 to 5,000 feet?

**Mr. John Henry:** We've had resistance. Some people have been concerned about the Oshawa airport since 1987, and the Delcan report was quoted yesterday at Oshawa council. There's always been an issue with noise at the airport, and you as a member of council—I'm not sure where you live in Peterborough in relationship to the airport—get noise complaints occasionally. You can be aware that at the Oshawa airport we do have military flights that do come in and out of the airport on occasion too. Sometimes there is some noise, yes.

**Mr. Jeff Leal:** The Peterborough Regional Airport is substantially outside of the city of Peterborough, so it doesn't have those problems.

**Mr. John Henry:** Yes. I understand recently a \$30-million investment at the airport as well—

**Mr. Jeff Leal:** Between the federal, provincial and municipal governments; that's true.

**Mr. John Henry:** To attract Ornge, I believe.

**Mr. Jeff Leal:** Are you going ahead with your runway extension?

**Mr. John Henry:** Actually, as of last night's council meeting, we're going on with a business plan on the airport on its current 4,000-foot runway.

**Mr. Jeff Leal:** Back to Mr. Potter. I'll give you a document, sir, so you're not left out in the cold here. It was an exchange of questions that I had with Mr. Potter—

**Mr. John Henry:** Mr. Chair, it would be inappropriate for me to go through a document that I haven't been given in advance—

**Mr. Jeff Leal:** Well, I'll give you tabs. There are tabs there. We can make reference—

*Interjection.*

**The Chair (Mr. Norm Miller):** Hang on a second. I would agree that if you want some time to look at it before you continue your—

**Mr. John Henry:** Well, in fairness, Mr. Chair, if I have it, every other member of committee should have it.

**Mr. Jeff Leal:** Mr. Chair, here's a copy for you.

**The Chair (Mr. Norm Miller):** We will endeavour to get it to all committee members.

**Mr. Jeff Leal:** Do you want the copy, Mr. Chair?

**The Chair (Mr. Norm Miller):** All the members of the committee will need a copy of that document. What is the document, Mr. Leal?

**Mr. Jeff Leal:** It's just a series of tabs and correspondence and my exchange with Mr. Potter when he appeared in front of committee.

**Mrs. Liz Sandals:** So it's part of Hansard?

**Mr. Jeff Leal:** It's part of Hansard, so it's already—

**The Chair (Mr. Norm Miller):** We'll have the clerk look at this.

**Mr. Frank Klees:** I would ask that the questions—

**Mr. Jeff Leal:** Mr. Chair, has the clock been stopped?

**The Chair (Mr. Norm Miller):** We have until noon, and I'll make sure the time is used fairly.

**Mr. Jeff Leal:** May I continue to—

**The Chair (Mr. Norm Miller):** Okay, we will recess for five minutes to copy this document.

*The committee recessed from 1054 to 1100.*

**The Chair (Mr. Norm Miller):** I'll call this meeting back to order. All members have a copy of the document that was handed out. Of course, the witness has just received a copy of that as well. So if he's comfortable answering questions on that, he's welcome to. If there are things in it that he needs time to get back to us at a future date, that is fine as well.

Do you want to continue with your questioning, Mr. Leal?

**Mr. Jeff Leal:** Thank you very much, Mr. Chair.

Your Worship, you now have a copy of that?

**Mr. John Henry:** Yes.

**Mr. Jeff Leal:** Can we go to tab 6?

**Mr. John Henry:** Sure.

**Interjection:** What tab is that?

**Mr. Jeff Leal:** Tab 6 is the exchange between Mr. Potter and myself.

*Interjections.*

**Mr. Jeff Leal:** For the record, of course, Mr. Potter was agency Ornge's former aviation boss.

**Mr. John Henry:** That was the person earlier you'd mentioned—a comment from Mr. Potter.

**Mr. Jeff Leal:** Yes.

**Mr. John Henry:** I understand that Mr. Lepine rebuts Mr. Potter's comments—

**Mr. Jeff Leal:** Some of it.

**Mr. John Henry:** Some of it. He says that Oshawa or—

**Mr. Jeff Leal:** I'm asking the questions, so I'll—

**The Chair (Mr. Norm Miller):** Let him respond, please.

**Mr. John Henry:** Earlier you'd asked a question. In one of your documents that—I haven't been privileged to read all the information that has come forward, but in one of the documents, on May 30 from this committee, there's a comment that says—I believe it's Mr. Lepine that rebuts Mr. Potter's comments. It says, "We did ... the analysis. There was a matrix done. Oshawa was the clear winner."

I just want to make sure that I've recognized that and read it, so I understand a little bit more of the questions earlier.

**Mr. Jeff Leal:** Yes, and we can get into Mr. Lepine's testimony too.

**Mr. John Henry:** My job is not to debate you, sir. Mine is to answer questions.

**Mr. Jeff Leal:** And I'll keep asking the questions.

**Mr. John Henry:** I'd like you to.

**Mr. Jeff Leal:** Okay.

**Mr. John Henry:** Terrific.

**Mr. Jeff Leal:** Back to Mr. Potter: There is one very interesting exchange between both of us. I asked him, "Did you advise against the decision to go to Oshawa?" His response was, "I did initially, and I did subsequently, yes."

We have learned that the decision to select the Oshawa base was opposed in the organization by Mr. Mazza, as confirmed by Mr. Lepine. Are you aware of this?

**Mr. John Henry:** I am not aware of this page at all, but I am aware of the one that I just read into the record, yes.

**Mr. Jeff Leal:** Did you ever meet Dr. Mazza in 2011?

**Mr. John Henry:** No, I haven't.

**Mr. Jeff Leal:** You are aware that, for a period of time, my community, in doing the work on behalf of my constituents—because of the \$30-million investment that was designed specifically to house aviation services both potentially for Ornge and for MNR, that Peterborough was the preferred location for the Ornge base?

**Mr. John Henry:** I have no dealings or understanding of that conversation, nor would I. I'm not the mayor of Peterborough.

**Mr. Jeff Leal:** There are some media reports about the fact that the city council and residents of Oshawa were never made aware of the precise terms of the deal that was reached with Ornge, despite the fact that there were taxpayers' dollars involved in all this. Is it true that the terms of the deal were not publicly released?

**Mr. John Henry:** Actually, you'll find a copy of everything in here, and it has 100% of council's approval. You'll find that when you find the document, all members of council were present at the meeting where it took place.

**Mr. Jeff Leal:** Your Worship, I just want to refer to a couple of tabs here, so I will—

**Mr. John Henry:** In your binder or in mine?

**Mr. Jeff Leal:** In the one that I just gave you. We'll go through the tabs.

**Mr. John Henry:** Sure.

**Mr. Jeff Leal:** I have a package of documents to share with you, which I have. I'd like to take you through this package. There are a series of letters and emails that I'd like to refer to. Can you turn to tab 1?

**Mr. John Henry:** Yes. That's the letter from Christine Elliott.

**Mr. Jeff Leal:** Could you read the letter for me?

**Mr. John Henry:** Sure.

"Dear Minister Matthews,

"Re: Ornge (Helicopter Air Ambulance) Opportunity at Oshawa Airport

"I am writing to you to encourage you to support bringing a crucial emergency service to the Durham region, through the Oshawa Municipal Airport.

"As you know, Ornge is planning to relocate one of its air ambulance helicopters to the eastern greater Toronto area in order to enhance its emergency response coverage. I understand that both Oshawa airport and the Peter-

borough Municipal Airport are under consideration to receive the Ornge service.

“Based on my meetings with concerned stakeholders, there are numerous advantages to support introducing this service to Oshawa. Its proximity to the GTA would reduce on time of travel and on cost of fuel. Implementing the service in Oshawa would prevent Ornge staff from having to relocate from Toronto, since they would still be within commuting distance. Moreover, the Oshawa airport has the land and technical facilities to support an air ambulance and medevac operation.

“I support this initiative as a step forward to providing transport medicine to areas east and north of greater Toronto.”

**Mr. Jeff Leal:** Thank you very much, sir. Could you read tab 2 for me?

**Mr. John Henry:** Chair, I don’t understand the purpose of me reading these.

*Interjections.*

**Mr. John Henry:** Everybody has a copy. I’m making the assumption that it’s been read already. Do you really want me to read these?

**Mr. Jeff Leal:** Yes, I would like it read into the record.

**Mr. Frank Klees:** Chair, I want to just make this point—

**The Chair (Mr. Norm Miller):** No, no, Mr. Klees. If he wants it read into the record, that’s fine.

**Mr. Jeff Leal:** I want it read in the record.

**The Chair (Mr. Norm Miller):** Go ahead, Mr. Henry.

**Mr. Toby Barrett:** Why don’t you read it into the record?

**Mr. Frank Klees:** Why doesn’t Mr. Leal—

**Mr. Jeff Leal:** I’m asking the witness to read it into the record.

**Mr. Toby Barrett:** No. Why don’t you read it into the record?

**Mr. Jeff Leal:** Mr. Chair, I’m asking the witness to read it into the record. Mr. Henry, please—

**Mr. John Henry:** Actually, it’s Mayor Henry.

**Mr. Jeff Leal:** Sorry. Mayor Henry?

**Mr. John Henry:** Thank you.

Page 2—this letter is from John O’Toole, dated April 29, to Christopher Mazza:

“Dear Dr. Mazza:

“This letter is to express my support for locating the Ornge helicopter base at the Oshawa airport. In my view, the Oshawa location would provide a better response time for the rapidly growing Durham region communities and for approximately 36% of the Ontario population.

“As you will know from a resolution passed by Oshawa city council April 11, the city has confirmed that the Oshawa Municipal Airport has the land and technical resources to support air ambulance/medevac operations. I understand the city of Oshawa is also preparing a comprehensive package to attract and support the Ornge operations.

“I trust that this input will be of assistance. Thank you for your consideration, and please accept my best wishes.

“Yours truly,

“John R. O’Toole, MPP

“Durham.”

**Mr. Jeff Leal:** Thank you very much, Mayor Henry. Could you read tab 3 for me, please?

**Mr. John Henry:** This is dated Saturday, June 11: “Minister Flaherty is eagerly awaiting a decision on whether or not we’ll be going to Oshawa.”

**Mr. Jeff Leal:** Could you read tab 4 for me, please?

**Mr. John Henry:** This one, tab 4, is from Lisa Kirbie, dated June 18: “Tell them decision is imminent and they’ll be the first call you make.”

**Mr. Jeff Leal:** And the bottom part of tab 4, please, Mayor Henry.

**Mr. John Henry:** The same day: “On Oshawa base. I’m being confronted by two Flahertys, Chris Alexander, and several candidates at an event.”

**Mr. Jeff Leal:** Tab 5 is a picture. We’ve already talked about tab 6.

**Mr. John Henry:** Actually, can I comment on this picture?

**Mr. Jeff Leal:** Absolutely.

**Mr. John Henry:** This was a great day to celebrate Ornge coming to Oshawa. The two gentlemen in the uniforms are from Durham region medical services. This was a good event. There’s actually a quote in here from Richard Armstrong on the press release that talks about the importance of Ornge coming to Oshawa and what it will do for the entire Durham region.

Also, just so you know, we were aware of the union’s involvement in wanting it to be located in the Durham area as well. They had sent us a series of information. This first came on my weather channel, per se, from the employees of Ornge. That’s how I first heard about Ornge and what was going on.

Do you want me to go to tab 6 now?

**Mr. Jeff Leal:** Tab 6, we’ve already been through, Mayor Henry. It was the exchange between Mr. Potter and myself.

**Mr. John Henry:** Yes, and that’s the one that has been contradicted by Tom Lepine, on the page within the document I read earlier, which says Oshawa or Peterborough—they did the analysis, there was a matrix done and Oshawa was the clear winner. I think that’s important to realize. That is in your document. So, assuming everything that I read is true, then that must be true.

**Mr. Jeff Leal:** And then, of course, at the end of the day, Mr. Lepine did contradict that, saying that Dr. Mazza made the decision.

**Mr. John Henry:** It must be on a different page.

**Mr. Jeff Leal:** Just a couple of more questions. Ornge has publicly stated that the decision to move the Oshawa base is now under review. Are you aware of that?

**Mr. John Henry:** I’m actually aware. I will tell you that in the document in the back, I’ve had a conversation—I forget the director; it was a lot to take in and try to absorb—about what’s going on at Ornge. I’m quite aware of how a great and essential service of the prov-

ince, and the talented people that work for Ornge, are in the midst of something that is not so nice.

**Mr. Jeff Leal:** Through you, Mr. Chair, have you had any conversations in the last little while with Mr. McKerlie?

**Mr. John Henry:** Mr. McKerlie is the new acting chair or director of Ornge?

**Mr. Jeff Leal:** Acting chief executive officer.

**Mr. John Henry:** Yes, I have. It's documented in the book at the back.

**Mr. Jeff Leal:** Do you know why Ornge made a decision to put the decision to go to Oshawa on hold?

**Mr. John Henry:** Well, their decision to come to Oshawa was a great financial decision. They saved a lot of money by buying an existing hangar.

**Mr. Jeff Leal:** Are you currently in any discussions with Mr. McKerlie at this time?

**Mr. John Henry:** I had a discussion with him—I don't have my Day-Timer with me, but it is written on my desk—I think two weeks ago.

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**Mr. Jeff Leal:** Mayor Henry, would you be kind enough to get back to committee to give us the date of that conversation?

**Mr. John Henry:** I can do that off my BlackBerry, I think, right now. I can multi-task so you—

**The Chair (Mr. Norm Miller):** Mr. Leal, we would need another committee member to make the request.

**Mrs. Liz Sandals:** I'll make the request for that.

**Mr. Jeff Leal:** Mr. Zimmer or Ms. Sandals may.

**Mrs. Liz Sandals:** Yes, I'll make that request on Mr. Leal's behalf.

**The Chair (Mr. Norm Miller):** Mr. Zimmer?

**Mr. David Zimmer:** Thank you, Chair. I understand that part of the idea out there to get Ornge located in the community was that the owner of the proposed hangar was going to sell the hangar and then donate the proceeds to so-called capital improvements. Is that correct?

**Mr. John Henry:** There was a deal that was between the owner of the hangar and the city, yes.

**Mr. David Zimmer:** And what was the deal?

**Mr. John Henry:** Just off the top of my head, I believe it was a commitment to reinvest some money into the airport.

**Mr. David Zimmer:** Who was the owner of the hangar?

**Mr. John Henry:** I can't remember the last name of the person.

**Mr. David Zimmer:** Can you get me that information?

**Mr. John Henry:** Yes, I can do that.

**Mr. David Zimmer:** How much money, of the proceeds of the sale, was going to be donated back to capital improvements?

**Mr. John Henry:** To apron improvements: I believe it was \$30,000.

**Mr. David Zimmer:** How much?

**Mr. John Henry:** It was \$30,000.

**Mr. David Zimmer:** When you first got on to this idea of inviting Ornge to locate there—

**Mr. John Henry:** Actually, before you say "invite," Ornge had been to the city of Oshawa to look at the airport in 2009, so Ornge already realized that there was an airport in the city of Oshawa. The discussions go back to that date. That's in the front of the binder that we gave you.

**Mr. David Zimmer:** So when did you or the city or the municipal officials become aware that in order to get Ornge there, there were some problems or some changes that would have to be made with respect to the airport: landing rights and runway distances and all those other things?

**Mr. John Henry:** To answer the first part of your question, my first time becoming aware of it was when a member of Ornge that was in the union started—I believe it was a phone call, and I can't tell you when—to talk about the difficulties for the residents that work for Ornge to commute to Hamilton.

**Mr. David Zimmer:** What about the length-of-the runway issue?

**Mr. John Henry:** The package that we have here before Ornge right now deals with rotary aircraft. The length of the runway does not come into place unless you use planes.

**Mr. David Zimmer:** And one last—

**The Chair (Mr. Norm Miller):** You have two minutes.

**Mr. David Zimmer:** So you were in charge or had oversight of negotiating the arrangements with Ornge?

**Mr. John Henry:** Well, as the mayor of the city, I'm actually in charge of everything that happens in the city, and I take full responsibility for the great work that our staff does each and every day.

**Mr. David Zimmer:** That being the case, how is it that you don't seem to know a great deal about the deal?

**Mr. John Henry:** First of all, the real estate deal is between Ornge—

**Mr. David Zimmer:** No, but you said you're the mayor and you have oversight over everything.

**Mr. John Henry:** I don't sell property, sir.

**Mr. David Zimmer:** Did you inform yourself about what the gist of the deal was?

**Mr. John Henry:** I had the basics of some of the deal, yes, but I don't enter into real estate transactions anywhere in the city of Oshawa. Politics should never get into—

**Mr. David Zimmer:** What about the broader aspects of the transaction, of the deal?

**Mr. John Henry:** I have the knowledge of what was put in the document that's within the binder.

**Mr. David Zimmer:** All right; thank you.

**Mrs. Liz Sandals:** That being the case, could you explain to us, if you have no knowledge of the deal, why, on page 324 of the document you submitted, there are appraisals prepared for Oshawa on the properties that are for sale? If you had nothing to do with the financial tran-

saction, then why did the city prepare appraisals of the lots in question?

**Mr. John Henry:** We own the lots at the airport. We own land at the airport. Our city staff puts together packages for information for the general business community all over the city. In fact, our economic development department gathers information on properties that are privately held in the city as well, so when business comes to Oshawa, no matter whether it's the airport or anywhere else—

**Mrs. Liz Sandals:** So why do you, then, have tear sheets for the Nesbitt hangar and the Canadian Flight Academy? Those would appear to be things that are owned by other people.

**Mr. John Henry:** You will find that there are sheets on everything related to the airport in here.

**Mrs. Liz Sandals:** But you just told us that you had no knowledge of the value of any of this.

**Mr. John Henry:** I don't interfere with the value of properties at the airport or anywhere else in the city. I've—

**Mrs. Liz Sandals:** No, but you've been telling us that you had no knowledge, yet there are city documents here.

**Mr. John Henry:** I've read the documents that—

**Mrs. Liz Sandals:** Well, then, don't tell us you have no knowledge.

**The Chair (Mr. Norm Miller):** We are out of time, and if you want to finish off with the response to that question, go ahead, and then we'll move to the opposition.

**Mr. John Henry:** Chair, thank you. The city of Oshawa, region of Durham, is huge. I also look after and chair all of the social housing for the region of Durham. I sit on the police services board. I help manage the money, and I chair the finance section. I'm responsible for those organizations, too, but I don't get into the day-to-day operations of the police, nor am I allowed—nor do I get into the day-to-day operations of social housing in the city of Oshawa.

**Mrs. Liz Sandals:** But these are the documents—

**The Chair (Mr. Norm Miller):** We'll move on to the opposition. Who would like to start?

**Mr. John Henry:** I think I've answered the question.

**The Chair (Mr. Norm Miller):** Mr. Klees?

**Mr. Frank Klees:** Thank you, Mayor Henry. First of all, I want to take this opportunity to compliment my colleagues Christine Elliott and Mr. O'Toole for advocating for their ridings and advocating for the city of Oshawa to locate the Ornge base there.

And I want to compliment you and your staff for having negotiated what was probably the only legitimate deal that Ornge did over the last number of years.

I'd like to ask Mr. Leal if he bought a hunting licence for this witch hunt that he and his colleagues are on, because it seems to me that having failed in his lobby of trying to get Ornge to Peterborough, he's now insisting on attempting—

*Interjection.*

**Mr. Frank Klees:** He's—Chair.

**The Chair (Mr. Norm Miller):** Continue with your question, please.

**Mr. Frank Klees:** Mayor Henry, we forgive Mr. Leal. He pops in and out of these hearings. If you've noticed the Hansard records, he pops in and out every once in a while to make this very point. We're convinced, on this side, that it's probably out of a deep sense of guilt for having let his own constituents down in terms of not being able to—

**The Chair (Mr. Norm Miller):** Let's not have personal attacks—

*Interjection.*

**Mr. Frank Klees:** Chair, I have the floor.

*Interjection.*

**Mr. Frank Klees:** Chair, I have the floor. This is ridiculous.

**The Chair (Mr. Norm Miller):** Okay, let's not make this personal, please.

**Mr. Frank Klees:** Well, it's not personal.

**Mr. Jeff Leal:** If he keeps it up, I'll respond, Mr. Chair. You can count on that.

**Mr. Frank Klees:** Mr. Chair, I ask you to take control. Mr. Leal, as you know, is out of order. We listened with great silence here to your attempt to undermine the credibility of Mayor Henry.

*Interjection.*

**The Chair (Mr. Norm Miller):** Mr. Klees, if you could continue with your question.

**Mr. Frank Klees:** Well, Chair, I'm going to ask you—

**The Chair (Mr. Norm Miller):** Please just continue with your question.

**Mr. Frank Klees:** —to assume your role as Chair and ensure that Mr. Leal allows me to question and make statements when I have the floor.

**The Chair (Mr. Norm Miller):** Go ahead.

**Mr. Frank Klees:** I did not interrupt Mr. Leal, and I ask for the same consideration. If Mr. Leal—

**Mr. Jeff Leal:** And I didn't get personal either.

**Mr. Frank Klees:** If Mr. Leal is not prepared to respect this forum, I ask you, as Chair, to do your part.

**The Chair (Mr. Norm Miller):** Very well. Mr. Klees, continue.

**Mr. Frank Klees:** Thank you.

With regard, Mayor, to the location, I understand—and by the way, a number of us were lobbied over the course of time regarding this Oshawa base. Most of the lobby actually came from the CAW/TCA, who were advocating on behalf of some 200 staff on behalf of what they assumed—and were distributing to us, as MPPs, very factual information about the legitimacy and the justification for having the base at Oshawa. So none of us were surprised when that announcement was made—obviously except for Mr. Leal.

I'd like to ask you this: In terms of the location, what were you told was the justification for locating the Ornge base in Oshawa?

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**Mr. John Henry:** Excellent question, thank you. If you turn to page—just let me make sure I get the right page. Within the document—and I’m sorry, I may have lost the tab—there’s actually a map of the area that shows the Oshawa airport and where it’s located, and beside that is a list of delivery times. I mentioned earlier that I had gone to school to be a firefighter—not in Canada but in the United States—and minutes and seconds make a difference. When you look at the delivery times from the Oshawa airport through the greater part of southern Ontario, you’ll find that the airport makes sense, that you will get faster service, not only into Peterborough from Oshawa but to parts of Toronto. The airport is perfectly situated to service 4.4 million residents of the province of Ontario. It makes sense.

Sorry, I’m looking for the page. I did tab it, but I must have knocked the tab off on the way in, but the map is here. There’s a pin in the middle of the map that shows you where Oshawa’s located, gives you the travel times and the rings. It makes sense. In its proximity—for example, this morning, commute times into the city of Toronto are terrible. Any time that you can put someone in need—

*Interjection.*

**Mr. John Henry:** Thank you. It’s on page 206. If you turn to page 206, you will see a photocopy of a map and in the middle it will show a pin that shows Oshawa. It shows the location and it shows the servicing areas that Ornge would cover from that. When you look at that, that covers a large portion of the population of southern Ontario. It makes sense when minutes matter.

This morning I drove downtown, and trying to get downtown today was not easy; finding a parking spot here was even more difficult. But my relationship with Queen’s Park is fairly controversial. Each one of you have received more than one email from me or a letter dealing with every issue that happens that’s important to the city of Oshawa. I have lobbied you all, including on the 407 and Bill 11. By the way, while I’m here, Bill 11 eliminates the ability for businesses in Durham region to get any economic development fund.

I’m fairly controversial. MPP Leal and I do not have the greatest relationship, and that’s come forward this morning. When you stop a highway in the middle of Oshawa, at Simcoe Street, there’s a problem. I’m on the record and that’s well-known. The controversy that has gone back and forth today is directly related to a difference in opinion that we have on the building of the 407, which also impacts about \$6 billion of the economy of the province of Ontario every year, so—

**Mr. Jeff Leal:** It’s Harmony Road, by the way, isn’t it?

**The Chair (Mr. Norm Miller):** Mr. Leal, please let him continue.

*Interjection.*

**The Chair (Mr. Norm Miller):** Do not interrupt him.

**Mr. John Henry:** Well, now that’s fair, because he’s mentioned it, yes. Through lobbying, including con-

tacting all members of this Ontario government, they came to the sense—the sense—to not run it down a major street through the centre of Oshawa that has three S turns in it, and moved it off to Harmony and eventually to the 115, but the announcement in the newspaper said it was going to stop at Simcoe Street. Now, I didn’t make that announcement; that announcement was made by somebody in this room. It was in the Peterborough Examiner, and that’s how I found out. Since that day, prior to 2010, we have had a difference of opinion, and that has come forward today in the questioning.

You know, it’s troublesome because I really think that the province of Ontario got the best deal they could possibly get, the most cost-efficient deal and the greatest service to the residents of southern Ontario. I’m sitting here and I’m taking it, and I’m getting a little annoyed that this has become personal. It’s not about the business of health care any longer, and it goes back to the pilots and the paramedics and all those people that work for Ornge that do a great job each day. It’s about our staff at the city that put together a great deal. This is a good deal where money has been saved, and you know what, it might be the best deal that Ornge has ever done.

**Mr. Frank Klees:** That’s my opinion as well. Thank you for clarifying that. It certainly gives us on this committee an insight into Mr. Leal’s intrusions into this committee over the last number of hearing dates.

I’d like to pass on to my colleague Mr. Ouellette for the balance of our time, Chair.

**The Chair (Mr. Norm Miller):** Mr. Ouellette.

**Mr. Jerry J. Ouellette:** Thank you very much, Your Worship, for coming in today. A couple of quick questions: During the process—I’m not sure if you’re familiar—my understanding was that the staffing issue was very key to the decision-making process in regard to the Ornge location. Do you have any background or information that you might be able to inform on how the impacts would take place, should it be located outside Oshawa or the region of Durham?

**Mr. John Henry:** You know, I can only comment on what I’ve heard about the ability to get pilots back to their home base at the end of the day and travel time and that sort of thing. A majority of their employees live within the boundaries of Durham region, so it just made sense, but—

**Mr. Jerry J. Ouellette:** So my understanding was that one of the key concerns was that if it had been located outside the region of Durham, it would require all staff to relocate their housing as compared to where they’re living currently.

**Mr. John Henry:** My understanding is that it would have been difficult for some members of the—

**Mr. Jerry J. Ouellette:** And staffing is a very key issue, as you mentioned about the hard work that these individuals do.

What’s the current relationship that you have with Ornge?

**Mr. John Henry:** We’re on hold. We don’t really know where it is going. Our hope is that they continue to

come to Oshawa, to bring a medevac service to Oshawa. That's what this package that we've talked about today that's in here—those documents talk about great health care.

**Mr. Jerry J. Ouellette:** So when you're saying you're on hold and you want to ensure they stay there, it sounds like the relationship isn't quite—there are some rocky fields there, possibly something's muddying the water there, that they're looking at potential relocations?

**Mr. John Henry:** I don't think it's anything—there is no problem with Oshawa and the plan is just, the reasons make sense. I think the problem is the overall picture of what has gone on. It is a problem. In the end, it'll be a great made-for-TV movie, because eventually it's all going to come out.

**Mr. Jerry J. Ouellette:** So effectively, the concern is that the services that are provided by Ornge may not continue in the future. From what we're hearing now, they're possibly looking at locating to another area, say, even Mr. Leal's riding.

**Mr. John Henry:** In all fairness, related to Ornge, I'm not sure they know what they're doing yet. I know that they're trying to get to the end of a long process to make it work, but air ambulance is essential to the health care of the province of Ontario. In today's day and age, and traffic congestion being what it is, accidents happen, whether it's something in Collingwood or something in Kingston. People need—and we have great doctors, great medical facilities in Ontario. I like to think that the best health care in the country is located within the boundaries of Ontario. This is exciting. Making it work is even more important. This is going to be a great project for whoever fixes it and makes it go forward, because the business case is there that we need an air ambulance service. I don't know, after this process is done, what that will be, but it is essential that we have an air ambulance service in the province of Ontario.

**Mr. Jerry J. Ouellette:** And effectively, there appeared to be some confusion regarding the runway length as compared to a superbase requiring fixed-wing as opposed to helicopter. And Oshawa was located as a helicopter base.

**Mr. John Henry:** Yes.

**Mr. Jerry J. Ouellette:** All right. So that kind of ended that because there was no discussion about any other requirement to accommodate fixed-wing during the discussions, as far as you know?

**Mr. John Henry:** Well, in the overall package, in part of it, they did talk about fixed-wing. But the end result is what is happening in Oshawa. It is a medevac base for a helicopter.

**Mr. Jerry J. Ouellette:** Okay.

Just in closing, I want to congratulate you on being successful over competing communities to bring Ornge to our community, acting in the best interests of the people of the region of Durham.

Thank you, Chair.

**The Chair (Mr. Norm Miller):** Very well. Now, we have not used all the time. There's half an hour left. Is

the unanimous consent of the committee to use that time up?

**Interjection:** No.

**The Chair (Mr. Norm Miller):** Okay, then. We are done.

Thank you very much for coming in this morning. We appreciate you taking the time and bringing along all your documents this morning, as well.

**Mr. John Henry:** Thank you, Chair.

**The Chair (Mr. Norm Miller):** We're recessed until 1 o'clock.

*The committee recessed from 1129 to 1301.*

## ORNGE

**The Chair (Mr. Norm Miller):** We will call this meeting to order. Our first witness for the afternoon is Mr. Jim Feeley, vice-president, aviation, from Ornge. Mr. Feeley, welcome. Just to confirm, you have received the information about a witness coming before the committee?

**Mr. Jim Feeley:** Yes, I did.

**The Chair (Mr. Norm Miller):** Very well. Our clerk will have you do either an oath or an affirmation.

**The Clerk of the Committee (Mr. William Short):** The Bible is in front of you there. Mr. Feeley, do you solemnly swear that the evidence you shall give to this committee touching the subject of the present inquiry shall be the truth, the whole truth and nothing but the truth, so help you God?

**Mr. Jim Feeley:** I do.

**The Clerk of the Committee (Mr. William Short):** Thank you.

**The Chair (Mr. Norm Miller):** Very well. If you want to do an opening statement, please—

**Mr. Jim Feeley:** I do not. I'll just take questions.

**The Chair (Mr. Norm Miller):** Okay, then we'll have half an hour for each caucus, starting with the Liberal caucus. Go ahead. Who would like to go first? Ms. Sandals.

**Mrs. Liz Sandals:** Good afternoon. How do you do? Welcome to public accounts. We were talking about the Oshawa airport. Actually, before we start here, could you just describe a little bit of what your role is at Ornge so that we all understand?

**Mr. Jim Feeley:** As the VP of aviation, I'm responsible for and the accountable executive to the air carrier, essentially, now, both air carrier certificates and the approved maintenance organization. So I'm the over-riding principal person within the Ornge group right now responsible for the aviation side of the business.

**Mrs. Liz Sandals:** So this would be the—

**The Chair (Mr. Norm Miller):** Sorry, could you pull your mike a little bit closer? Not really close, but a little bit closer.

**Mr. Jim Feeley:** Certainly. There we go. Is that better?

**The Chair (Mr. Norm Miller):** I think that it probably is better. Thank you.

**Mrs. Liz Sandals:** This would be, then, oversight of the actual air bases, the maintenance, the actual aviation aspects. You're the person who would deal with Transport Canada in terms of that sort of regulation, if I'm understanding that properly?

**Mr. Jim Feeley:** Yes. That's true.

**Mrs. Liz Sandals:** Could you tell us, then, what was your particular responsibility with respect to the decision to award the Oshawa Municipal Airport with an Ornge satellite base?

**Mr. Jim Feeley:** At that time, I was not in that decision role. That would be Rick Potter as the COO at the time that decision was made.

**Mrs. Liz Sandals:** Sorry, we're still having trouble hearing you.

**Mr. Jim Feeley:** Oh, I'm sorry. I'll get closer, then, and speak up a bit. Is that better?

**Mrs. Liz Sandals:** So at that point you would have reported to Mr. Potter?

**Mr. Jim Feeley:** Correct.

**Mrs. Liz Sandals:** And he would have had more direct responsibility?

**Mr. Jim Feeley:** Yes, he was definitely—he would have been the signatory on that decision, yes.

**Mrs. Liz Sandals:** But you would have had some knowledge of what was happening at the time. Can you explain to us what it was that led Ornge to be looking for some sort of an air base in eastern Ontario? What was the original rationale for looking?

**Mr. Jim Feeley:** First-hand, again, I was not really—I guess my short answer would be, I don't know. I was not directly involved in that decision as to why. I do know that there was a desire, and I don't know the reason for the desire, once the Hamilton decision was made, to look at either Peterborough, Oshawa or something east of the city. But that's the extent of my knowledge.

**Mrs. Liz Sandals:** Just so we can get this for Hansard, the operation was out of Toronto. Some of the operation was going to move west to Hamilton, so there was, for whatever reason, some need to look at a base east of Toronto.

**Mr. Jim Feeley:** There was an initial decision to move to Hamilton, to move the GTA facility out of there to Hamilton. Then there was a subsequent decision to move somewhere east of the greater Toronto area.

**Mrs. Liz Sandals:** Do you have any knowledge of what type of base you were looking to establish: how many aircraft, how many paramedics? I understand you don't have responsibility for paramedics, but what sort of a base were you looking for?

**Mr. Jim Feeley:** I'm going to decline—I don't know, and it would be hearsay or whatever. I was not directly involved in the decisions, no.

**Mrs. Liz Sandals:** You've already alluded to the fact that Peterborough and Oshawa were in the running. Are you aware whether there were any other airports in the running, or it was just basically—

**Mr. Jim Feeley:** I don't know. I have in my office a binder that supports the decision of those two bases, but

that's the extent that I have. Whether they excluded any others, I don't know.

**Mrs. Liz Sandals:** It's my understanding that, in the early stages at least, Peterborough was given some of the documentation that I think the committee has seen as well; that Peterborough seemed to have the most check marks.

**Mr. Jim Feeley:** I don't know. Again, I have the final decision matrix on the scoring and the process that was done. Whether there was an early runner, I don't know.

**Mrs. Liz Sandals:** Could you just repeat? You say you were involved in the final scoring?

**Mr. Jim Feeley:** No. I have the final document, as the people who have left—

**Mrs. Liz Sandals:** Okay, you've inherited the paper—

**Mr. Jim Feeley:** I've inherited the final paperwork. Having reviewed it slightly—I've looked it over—it seems to be complete in terms of the processes there. It's all there. The only discussion is around Peterborough and Oshawa, and there were no biases as far as I could tell.

**Mrs. Liz Sandals:** This is where I think we're having a problem, because we're getting into conflicting testimonies amongst the various players. Mr. Lepine, I believe, testified to issues around landing and takeoff curfews at Oshawa, availability of instrument landing, the shortness of the runway, some noise issues. Are those deficiencies mentioned in the document you've seen? Are these the sorts of issues that people were looking at in the ranking in the paperwork you've seen?

**Mr. Jim Feeley:** Yes.

**Mrs. Liz Sandals:** And those were deficiencies that were noted?

**Mr. Jim Feeley:** I don't know about deficiencies. They were—

**Mrs. Liz Sandals:** Challenges?

**Mr. Jim Feeley:** —challenges, and they were scored, one facility against the other. There were minimal qualifications to meet the Ornge requirement. If both parties met them, they were scored, in their most desirable to least desirable.

**Mrs. Liz Sandals:** Do you have any recollection, reading the document, what the scoring reflected on any of those issues?

**Mr. Jim Feeley:** No.

**Mrs. Liz Sandals:** As we know, there seems to have been, in some of the testimonies we've seen—actually, interestingly, in some of the documents that the mayor provided this morning, there seemed to be some indication that Peterborough, at least in the perception of those who were involved in the conversation, was the lead, at least in the early running.

There's also a lot of confusion in the testimony that we've seen. I'm going to ask one of my colleagues to hand these bits and pieces of paper over. This is either Hansard or stuff that was delivered to us this morning, for my colleagues who are wondering what I just handed over.

The first thing would be the extract that we had seen from Hansard, where Mr. Potter testified that in the initial mix—if you could just give him the whole package, Jeff?

**Mr. Jeff Leal:** Sure. There you go, sir.

**The Chair (Mr. Norm Miller):** Can we get that around to all the committee members, please?

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**Mrs. Liz Sandals:** It's the same one that Jeff handed out this morning.

**The Chair (Mr. Norm Miller):** Thank you.

**Mrs. Liz Sandals:** It's the same package that Mr. Leal handed out this morning. Anything I'm referring to here was already tabled in this morning's hearings, Chair. I'm not introducing anything that wasn't already introduced this morning.

**The Chair (Mr. Norm Miller):** Okay. Very well. Thank you.

**Mrs. Liz Sandals:** In this exchange, Mr. Potter said, "In the initial mix, we were charged with finding the most suitable airport that would operate our Pilatus aircraft, our AW139 aircraft and a potential business jet." According to him, that was the initial thing.

If you look at the next document I handed you—for my colleagues, I'm at page 77 of the giant Oshawa document. The mayor presented us this morning with quite a large document of material that Oshawa had on hand. What I'm referencing here is an email from Stephen Wilcox, who, if you look at the last page, is the airport manager at the Oshawa Municipal Airport. He's writing to John MacKenzie and to Rick Potter, who would have been the people who were more directly involved in the decision.

**Mr. Jim Feeley:** Yes. Correct.

**Mrs. Liz Sandals:** And if you look down towards—just the last line there before we start with point 1 and point 2, he says, "In summary Oshawa offers a number of key advantages over other airport in the greater Toronto area."

If you look at point number 5 on the second page, he talks about "Extension of runway 12/30 to 5,000 feet," and goes on to say, "In 2009"—so this letter is dated December 23, 2009—"Oshawa airport began a process to examine the potential to extend runway 12/30 to 5,000 feet. The timetable for the extension is as follows:

"(a) Preliminary examination of land and zoning. Oshawa retained the services of PSMI engineering in 2009 and they have determined that the extension of runway 12/30 to 5,000 feet is feasible within the current airport property limits and airport zoning. The work included a preliminary design."

He then goes on to, in point (b), get around to the "work is expected to be completed by March 2010." He reiterates that, March 2010—sorry, that was preliminary engineering work in March 2010. The business case was to be completed by March 2010, and then goes on to state: "Construction within the timetable established within the business case. The establishment of a base by Ornge in Oshawa would constitute an immediate

business case and would accelerate the construction of the runway extension...."

This is the information that Oshawa airport gave to those responsible for making the decision at Ornge, it would appear.

The mayor testified this morning that a runway wasn't really part of the expectation. Although, when we look at the document, which I've given you a copy of—for my colleagues, it's at page 309, the document on which we have the mayor's signature and Dr. Mazza's signature. If you go to point 4 in that agreement—it's got the Ornge logo at the top. This is dated June 29, 2011, and when you look over the page, it's signed by Mayor Henry and Dr. Mazza. Point 4 says:

"Airport Apron Improvement

"Oshawa will make a capital improvement in the form of an apron or taxiway," and then goes on to say that the maximum cost is \$62,000.

The mayor has told us today that, really, this was just a helicopter base. Why would you be committing to possible taxiway—I mean, we've got this initial document saying, "We're doing a runway or proposing to do a runway." We've got the actual agreement that's talking about taxiways, which I don't think help helicopters. Do they?

**Mr. Jim Feeley:** Yes.

**Mrs. Liz Sandals:** They do help helicopters?

**Mr. Jim Feeley:** Yes. I'm going to answer it on the fact that I was not in the room when this discussion—but I'll support the question and try and answer it for you.

There was a need to improve the building apron or the building taxiway, the connection between—helicopters still need to fit into the airport traffic. They still will go to the button of their active runway, and they will use that as their takeoff. Now, mind you, they lift off—basically, they go in the spirit of that direction to aid in the air traffic control. Then they'll be vectored off. Once they're in the air, they're vectored off in the direction they want to go, under ATC, air traffic control. So they still use the runway.

The connection in the area and the traffic flow around the front of this hangar was weak, so they agreed—part of the discussion was that they were going to aid in that so that we could get in and out of that building with greater ease, and they were willing to support that. That's my understanding.

**Mrs. Liz Sandals:** What happened to the beginning of the discussion where fixed-wing were contemplated, a longer runway? I take it that fixed-wing could land at Peterborough.

**Mr. Jim Feeley:** I don't know.

**Mrs. Liz Sandals:** No, they can't?

**Mr. Jim Feeley:** I don't know. It's not necessarily in the length of the runway; it's more the navigational aids and the off-hours support and fuel availability in the off-hours. There are lots of factors considered; yes.

**Mrs. Liz Sandals:** What happened that it started out as helicopters and fixed-wing and then it ended up just being helicopters in the discussion? Why, if initially they

were looking for capacity for both helicopters and fixed-wing east of Toronto—if, as you're saying in the final agreement, the taxiway has nothing to do with fixed-wing, clearly the agreement they signed doesn't have any reference to extending the runway. We hear that that project has been pretty much put to rest. Why was the decision made not to have fixed-wing capacity east of Toronto? That was the initial search, and then it seemed to disappear.

**Mr. Jim Feeley:** I'm just trying to help out the—

**Mrs. Liz Sandals:** I understand this, that you—

**Mr. Jim Feeley:** The initial discussion was to go to Hamilton, and then there was a request or a desire or an ambition to go east of the city. If we would look at the current model, it's two helicopters. There were no plans in terms of Ornge air to modify that, so it would have been helicopters, in my opinion. That's all I can say.

**Mrs. Liz Sandals:** This whole discussion around what was required may have been a bit of a moving target, then. Clearly, at one point—it isn't just Mr. Potter's imagination that they were looking for both, because Oshawa is telling them how they're going to get both. Then, for whatever reason, that part of the equation disappeared.

The other piece—was there or wasn't there a problem—that came up in the testimony this morning was the area around noise abatement. There's another document here, which is—Jeff, could you hand that over? The mayor had indicated to us this morning that there was no problem around noise sensitivity, but in the documents that we've been provided with by the mayor for my colleagues, there's an exchange of emails and materials that goes from about page 80 to 90. I gave Mr. Feeley a copy of page 81. But you can see that this is an exchange around noise.

Again, Mr. Wilcox, who is the airport manager, says, "We are looking at the areas south and east as noise-sensitive ... no noise concerns north and west" of the airport.

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I admit to having no particular knowledge of the Oshawa airport, but contrary to what we were told this morning, there does seem to be a section of—in looking through this really quickly, there does seem to be a section about noise concerns. Do you have any awareness of whether noise continues to be a concern if Oshawa is used?

**Mr. Jim Feeley:** As in any airport, there's always sensitivity of noise. I don't know of any that don't have some sensitivity to noise. I believe the proposal that was given Ornge exempted us against the curfew and against any noise concerns, I think largely around what I guess would be public service improvement, and that would be seen as acceptable.

**Mrs. Liz Sandals:** And then, just in case anybody thinks—Jeff, once again, sorry. Just in case anybody thinks that I'm having fits of imagination here about the Peterborough issue—Will, this is a letter that wasn't introduced before, so I've got copies for everybody.

*Interjection.*

**Mrs. Liz Sandals:** This is a letter from Mayor Henry. It's dated April 26, 2011, and it's addressed to the regional chair, Roger Anderson, and other mayors in Durham region, and signed by the mayor—Mayor Henry, that is.

In the second paragraph—he's looking for their support in procuring the Ornge base at Oshawa. He states, "Peterborough Municipal Airport is the preferred choice for Ornge at this point; however, Oshawa is still being considered."

The mayor told us this morning he really didn't know much about Peterborough but clearly he's reflecting that he did know it was the preferred choice at one point.

What I guess we're struggling with is that by June 30, two months later, we have Dr. Mazza and Mayor Henry signing this agreement—two months later. We're trying to figure out what changed in that people seemed to agree Peterborough was preferred, yet two months later we have an agreement for Oshawa. Is anything about what happened there reflected in the paperwork? Can you find any paper trail about how it got from Peterborough being preferred to Oshawa being the signed base within a two-month period?

**Mr. Jim Feeley:** No.

**Mrs. Liz Sandals:** So there's nothing in the paperwork, in the files you've received—

**Mr. Jim Feeley:** No. In fact, I'd have nothing to support that Peterborough was preferred. That would be hearsay for me.

**Mrs. Liz Sandals:** Yes, and as I say, I'm just tabling what the mayor of Oshawa himself was telling his colleagues at the time.

**Mr. Jim Feeley:** Sure.

**Mrs. Liz Sandals:** So this isn't me saying it was preferred. This is the mayor himself saying the other people were preferred.

**Mr. Jim Feeley:** Understood. Not to direct the answer to you, just that this would be—I have nothing to support this comment here.

**Mrs. Liz Sandals:** So given that you've got—but at any rate, there isn't any paper trail of how the decision-making evolved on this?

**Mr. Jim Feeley:** The decision-making is all there, yes. There's a complete binder. There's actually a series of questions—or evaluation criteria. There's a scoring matrix and it was scored and the winner was Oshawa. So it's all there. As to whether there were any front-runners—there's nothing to support that either one of them had any kind of precedence—

**Mrs. Liz Sandals:** And then I guess, maybe, when you look at the situation today—because I take it that this all sort of got put on hold.

**Mr. Jim Feeley:** Correct.

**Mrs. Liz Sandals:** And I'm not asking you to preempt announcements, but what sort of decision-making and analysis is going on now, then? We've got Hamilton, Oshawa, Toronto; Peterborough, obviously, still has some interest. How is the decision-making process—

**Mr. Jim Feeley:** There was a pullback, as you said. There was a pullback when there was a change at the board. Moving forward, from the beginning of this year, we're status quo. We looked at the assets that were available and basically white-papered, moving forward, what are the best opportunities for the taxpayers' dollars, in light of what has already been committed to. That review has been done, and it's currently in front of the board or will be in front of the board this week, I believe.

**Mrs. Liz Sandals:** Okay, so obviously there were acquisitions in here of property and capital, so you're going to have to take those acquisitions into account when you sort it out.

**Mr. Jim Feeley:** Correct. We'll do the NPVs on each of the assets that are already in commitment.

**Mrs. Liz Sandals:** We'll obviously all be awaiting where you end up with interest.

**Mr. Jim Feeley:** Sure.

**Mrs. Liz Sandals:** I want to talk about how Ornge has evolved, because you've obviously been—as you said, you're now the most accountable executive in terms of the air operations part of it. So it would be interesting to get your observations. Over the past seven months or so, you've had, obviously, a tremendous amount of public scrutiny over Ornge. Every time you turn around, someone's looking over your shoulder.

**Mr. Jim Feeley:** I would agree.

**Mrs. Liz Sandals:** It must be a rather difficult situation for the employees. Can you give us a sense of the impact on the good people at Ornge who are trying to deliver the service that they're contracted to deliver? Can you give us a sense of what it's like trying to do your work and having everybody looking over your shoulder?

**Mr. Jim Feeley:** In fairness, absolutely it has been difficult, and absolutely we've probably suffered from attrition, I'll say, across the ranks in terms of people not certain as to the longevity of the project at large. As far as the professionalism of each of the back office or the support staff, the non-unionized support staff, the AMEs and the pilots, it's completely professional. They've tried and worked hard to divorce themselves from the, I'll say, noise that largely they had no involvement with at all. We were given a mandate to complete tasks, and we've done those tasks, and we just move forward. So the professionalism of the group, as a bunch of professionals, has been above—and to your point, it has been difficult, but we're still doing well.

**Mrs. Liz Sandals:** So the professionalism is there, and people are working very hard to maintain the professionalism. I'm assuming that it's taking a personal toll on them to some degree, looking at the storm clouds that are always swirling around.

**Mr. Jim Feeley:** I can only assume, yes.

**Mrs. Liz Sandals:** Anyway, we thank you. Relay this to your staff, that we appreciate it has been very difficult and we thank them for their continued professionalism.

**Mr. Jim Feeley:** I will share that. Thanks.

**Mrs. Liz Sandals:** You've had new leadership at Ornge, obviously, quite dramatically different leaders, in

the last seven months. How have things changed for people who are obviously in senior positions, but also the front-line staff that would be reporting to you? How have things changed with the change in leadership for you?

**Mr. Jim Feeley:** Probably twofold. Two things have happened. We've had the leadership change within Ornge itself; the board and all the most senior executive staff have changed, so there has been a change and a refocus. I don't know what the best word is to use there, but a refocus on what the objective is. Secondly, a big part of the aviation business is the actual vendor, and we've changed helicopter vendors in the interim. So there have been two large changes, and it's hard for me to differentiate, for a given event or concern, which is which in terms of the change of the employer for many of these employees, as well as the change in the overall governing structure of the company itself. Does that answer your question?

**Mrs. Liz Sandals:** For the people who changed employers, when did that actually happen?

**Mr. Jim Feeley:** It was a progression. We began on January 13 for the rotary-wing staff, for both the AMEs and the pilots. We began transitioning away from the legacy supplier into the Ornge operating certificate and aircraft maintenance organization as of January 13, and that progressed right up to March 30, for the last day; April 1 was the expiry of the contract.

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**Mrs. Liz Sandals:** Okay. So you were actually still having employees transitioning to you that have only been at Ornge as the employer for a month or two?

**Mr. Jim Feeley:** Correct. Since April 1, it would be—definitively since April 1, everybody's been over in our employ.

**Mrs. Liz Sandals:** So it's quite understandable that you're saying that you're having so many different transitions that it's very, very challenging, then, to be going through all those different things at the same time. Do you have—

**The Chair (Mr. Norm Miller):** You're on your last minute.

**Mrs. Liz Sandals:** I was just going to say that, recently, I understand that a Mr. Farr, a Mr. Giguere and a Mr. Howard have been brought in at the executive level. Have you had an opportunity to work with any of these gentlemen?

**Mr. Jim Feeley:** Each one, yes.

**Mrs. Liz Sandals:** Good. And have they been positive additions to the organization?

**Mr. Jim Feeley:** Absolutely positive. To each individual, absolutely—very supportive. It does two things for us: It brings in another level of support for the actual team that is doing the work; and it brings in, I'll say, another opinion on how things can be done or should be done.

**Mrs. Liz Sandals:** So it brings you a new view—

**The Chair (Mr. Norm Miller):** Thank you. We'll move to the opposition.

**Mrs. Liz Sandals:** Okay. Thank you very much.

**The Chair (Mr. Norm Miller):** Mr. Klees.

**Mr. Frank Klees:** Mr. Feeley, who has oversight for air in Ontario?

**Mr. Jim Feeley:** It's federally—there's two in Ontario: it's the Ministry of Natural Resources that's been given the standards governance by the Ministry of Health.

**Mr. Frank Klees:** Can you tell us, has the MNR audited Ornge recently?

**Mr. Jim Feeley:** Yes. Twice.

**Mr. Frank Klees:** And what was the result of that audit report?

**Mr. Jim Feeley:** We only have an official result from the fixed-wing review that was done some 13 months ago. We have findings from Mr. Wong. We have yet to receive the final results of the rotary-wing review that was just finished some very few months ago. I have preliminary results, mind you, but nothing official.

**Mr. Frank Klees:** Did you discuss with Mr. Wong the possibility of making that audit public in any context?

**Mr. Jim Feeley:** I believe, Mr. Klees, that it probably is public. I mean, when he produces it, I can only assume that—I mean, it's his document, but I can only assume that it is. Being that it's in the Ontario public sector, it is public, I can only assume.

**Mr. Frank Klees:** Did you express any concern to Mr. Wong at any time about him making that audit public?

**Mr. Jim Feeley:** No. I have no issues with that.

**Mr. Frank Klees:** It would be helpful if the committee could receive both the draft and the final reports of that audit report.

**Mr. Jim Feeley:** Of the most recent?

**Mr. Frank Klees:** Yes.

**Mr. Jim Feeley:** I'll provide you with anything that he's given me, for sure.

**Mr. Frank Klees:** Thank you very much.

How many helicopters does Ornge own now?

**Mr. Jim Feeley:** Twelve AW139s, 11 Sikorsky S-76s.

**Mr. Frank Klees:** And how many of those helicopters are—can I use the term “activated”—on standby for service?

**Mr. Jim Feeley:** In-service machines are 10 AW139s and six S-76s.

**Mr. Frank Klees:** And is that the ideal complement of helicopters on standby for the mandate that Ornge has?

**Mr. Jim Feeley:** Currently, yes.

**Mr. Frank Klees:** And how many rotor-craft pilots would it take to fully staff those I guess it's 16 helicopters?

**Mr. Jim Feeley:** Pilot staffing is not directly related to the number of units that are out there; it's more in terms of the number of bases that we're serving or the flight-line days that we're actually servicing. So it's—

**Mr. Frank Klees:** So full staffing of all of those bases?

**Mr. Jim Feeley:** On the rotary-wing side, the ideal number we're shooting for right now is 80.

**Mr. Frank Klees:** Eighty?

**Mr. Jim Feeley:** Yes.

**Mr. Frank Klees:** And how many are on staff now?

**Mr. Jim Feeley:** Seventy-six.

**Mr. Frank Klees:** Seventy-six. And when do you expect to be up to full staffing?

**Mr. Jim Feeley:** End of July.

**Mr. Frank Klees:** And are those pilots, of that 76, all active, front-line pilots?

**Mr. Jim Feeley:** Yes.

**Mr. Frank Klees:** Okay. Are any of those pilots on leave for any reason?

**Mr. Jim Feeley:** Yes, four of them are on leave, but varying times to return. I can't really tell you when they'll return. I don't have any ones that are kind of on indefinite leave, but just whenever they're ready.

**Mr. Frank Klees:** We've had reports that a number of pilots have left. How many pilots would have left, say, within the last four months?

**Mr. Jim Feeley:** I can answer that. When we initially did the transition period from, as I said earlier, January through April, we had 12 who did not transition over or chose to not join us. There was a total of 12 out of the complement of 80 pilots at the time who were working for CHL; 12 chose not to join us.

**Mr. Frank Klees:** What would the reason be that they chose not to transition—

**Mr. Jim Feeley:** Again, that would be speculation on my part. I believe—you'd have to verify this—that six of them stayed with the company, the previous vendor, and six chose just not to come with us, and I don't know why.

**Mr. Frank Klees:** Were you involved in the decision to bring the helicopter operations in-house?

**Mr. Jim Feeley:** No.

**Mr. Frank Klees:** You had no input.

**Mr. Jim Feeley:** That was made before I joined, yes.

**Mr. Frank Klees:** Who did? Who was kind of the brains trust behind that plan?

**Mr. Jim Feeley:** I can't answer that. I honestly don't know as to who was the impetus, who was kind of making that decision. I don't know. I mean, I was there—just prior to my arriving, they had agreed to purchase the AWs and the PC-12s. The in-sourcing decision and the desires to do that, I don't know, because it was just too far in front of my arrival.

**Mr. Frank Klees:** We've had testimony here from former employees of Ornge. I speak of Mr. Tom Rothfels, for one, who has some extensive experience in aviation.

**Mr. Jim Feeley:** Yes.

**Mr. Frank Klees:** He was very forthright with this committee in saying that he felt it was a huge mistake. He felt, based on his observations, that the Ornge operation just simply did not have the core competency to do both—to manage an aviation business that, as he put it, is very complex. The dimension of maintenance as well as overseeing the ownership and then the staffing and all that goes with the aviation sector—he felt that this was not a wise decision. His recommendation, as a matter of fact, to this committee was that on a go-forward basis

what should be very seriously considered is that the aviation part of Ornge's operation be divested. He recognizes the fact that the purchase has now been made, and how do you deal with the hardware? His suggestion was that one option was to lease back to an aviation company that has the depth of experience and essentially revert to the former standing-offer-agreement type of relationship with an aviation company.

We're very desperate to find a solution here. It's not about simply talking about who made all of the wrong decisions.

**Mr. Jim Feeley:** Sure.

**Mr. Frank Klees:** In terms of going forward, it's essential for us to hear from people like yourself who are willing to look at this factually and objectively and say, "Look, if in fact a decision was made that was wrong, rather than continue to go down this road and force something that may cause even further problems, should we be looking at this as an alternative?" I'd be interested in your opinion.

**Mr. Jim Feeley:** Okay. Differentiating from the decision that's been—I mean, I think that's where you're at. The decision has been made. I do and I can support Mr. Rothfels's comments in that there would be a desire or a need, other than I understand maybe where he's coming from in terms of it's a potential. We should look at that in terms of—to be fair, we have to look at overall what's best for the taxpayers' dollars in terms of not only costs but all elements of the business. Can Ornge operate or is Ornge operating as a viable airline? I'll support yes. That's kind of where I'm at, and I'm willing to defend that. We can talk about this some more, but I'm more than happy to say that the airline is functioning well. Really, I don't see, at this point, the advantage in reverting. I'd be quite interested in hearing (a) what we're doing that's substandard currently or (b) what the advantage would be in going to any other supplier.

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**Mr. Frank Klees:** I guess nobody will know under the current structure. First of all, the decision to bring the aviation business in-house was made unilaterally; there was no public tendering of that service. We don't know, quite frankly, whether or not we're getting the highest efficiency and whether we're getting the bang for the buck.

So I think at the very least, we would owe it to the taxpayers to say, given where we are, "Yes, a decision has been made, but it's not irreversible," rather than continuing to go forward with what may be a faulty business plan conceived by one Dr. Christopher Mazza, who, as we look at the trail that he's left us, isn't exactly giving us a great deal of confidence that his plan was the best one. Some of us think that it may well be an appropriate thing to do, given where we are, to say, "Let's look at that option. Let's put it out to an open, public, transparent tender process and see what the results of that would be." What harm would there be in at least taking that step?

**Mr. Jim Feeley:** I guess we'd have to look at the merits of insourcing versus outsourcing first. I think there needs to be some evaluation of just the different models.

I mean, I've come from an environment where we—my previous 20 years with the Prime Minister's Office, machines federally, with the Coast Guard. In any airline, there's constant discussion as to what's the best model, in any aspect of the business. It can be entirely, the whole business, or it can be portions of the business. You constantly make that decision whether insourcing is the most—from a safety perspective, from the responsiveness to change, to labour relations, to the actual cost, bottom-line dollar. So there are several considerations in that business decision, and I'm sure I've left some out. I mean, there's lots of elements to it.

I think it's a leap to say outsourcing is the solution. I think it needs to be studied or maybe some discussion given around what the right model would be in the first place, and then, if that decision would be to consider outsourcing, you have to look at the cost to do that versus the insourcing.

**Mr. Frank Klees:** Mr. McKerlie, shortly after he took over at Ornge, made reference to a cost review that he said showed that Ornge could provide the services for less than Canadian Helicopters, for example. Have you seen that cost review?

**Mr. Jim Feeley:** We have our budget finalized now, yes, and I can confirm that we are not spending any more money this year than we spent last year. That's a zero-dollar difference over the CHL.

**Mr. Frank Klees:** Mr. McKerlie made reference to a specific cost review. Do you know what he was referring to when he said that?

**Mr. Jim Feeley:** I can't say, and I don't know in what context he would say that, Mr. Klees. I'm a little bit—in a position here a bit. If he was saying empirically that he was going to do a cost review, I haven't been involved in that cost review. We would have had to have completed some comparators, and I don't recall the comparators being done.

**Mr. Frank Klees:** And I would expect that that would have been done, and so he's referring to this cost review as historical. What I would ask you to do is to present to this committee, if you would undertake to do that, that document, that cost review that was undertaken by Ornge. It would be very interesting to see that.

You mentioned the budget. There's a copy of a budget document in front of you that purports to be a balanced budget for this year. Can you tell me, since this budget document was prepared, are we on track still for a balanced budget at Ornge based on no increase in funding from the Ministry of Health?

**Mr. Jim Feeley:** Yes.

**Mr. Frank Klees:** And that's based on the most recent quarter?

**Mr. Jim Feeley:** I don't know if there's actually a date of execution on this, but this is fairly fresh. So it's probably a little unfair of you and I to agree that we're on budget. I mean, it's early in the fiscal year. Having been involved in a big part of it, yes, I'm on budget. I have no concerns at this point.

**Mr. Frank Klees:** I don't want to get too technical here, but I'd like you to help me with something because I'm sure, with your aviation responsibilities, you would have had input into this budget, and specifically with regard to the maintenance cost. My understanding is that when maintenance costs are budgeted, you also budget for residual costs. In other words you anticipate, with regard to the AW139s, that these are new machines and that while you may not be incurring the specific maintenance costs this year, there is a requirement and an understanding within the aviation industry that you apportion for each unit a certain number of maintenance hours and costs, rather. Can you tell me what has been allocated as residual maintenance costs under this budget?

**Mr. Jim Feeley:** In this budget, nothing. I'll explain: We're still under warranty for another 18 months in these aircraft. So within this budget influence there is no—the AW is fully under warranty on all levels, basically: on the avionics suite, on the engines and on the airframe. So—

**Mr. Frank Klees:** My understanding—

**Mr. Jim Feeley:**—if I may?

**Mr. Frank Klees:** Yes.

**Mr. Jim Feeley:** We totally understand and recognize your point in that we are concerned about how we do allocate funds going forward into the anticipated non-warranty period. There are a couple of options we are exploring in how we're going to manage that, but in this budget we chose to purposely ignore it for now because one of the considerations is, does Ornge have the ability, under the broader sector guidelines, to allocate funds to carry year over year. Because this is the concern; this is what we'd like to do, be able to do that. We don't know what mechanism there is—if any—in place to do that. So it's something we're exploring.

**Mr. Frank Klees:** Mr. Feeley, I ask that question because I noticed that intentional entry, which amounts to millions of dollars.

**Mr. Jim Feeley:** Yes.

**Mr. Frank Klees:** This is not a balanced budget. I have serious concerns that the same approach to budgeting is being taken by the new management as we had under the old management. This is not accepted accounting principles. Anyone who understands the aviation industry sees through this budget. I have serious concerns. I was hoping, in response to Ms. Sandals's question, that we would in fact have a new day here. We have new executives, we have new people at the helm, and now we're fed this document that tells us we're on track for a balanced budget and millions of dollars are left unaccounted for. How do you explain that, or how can you justify that?

**Mr. Jim Feeley:** If I may, it's a pretty strong accusation you've made there, and I don't know that it's—I've explained to you what was the decision to do this year. And I have to say that this wasn't made unilaterally on my part or on anybody's part in particular. We were required to balance the budget for this year and we did, recognizing, to your point, the risk going forward.

Now, there are lots of options in how we manage that going forward.

**Mr. Frank Klees:** Mr. Feeley, you know, I have such serious concerns about that. Yes, you're right, at some point, someone is going to have to pay the piper. But wouldn't it be appropriate, under the circumstances that we're in now—we have an auditor's report who has already told us that in preparing his report numbers were fudged. We had an admission from the senior vice-president that he was fudging the numbers regarding the number of patients—

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**Mr. David Zimmer:** Just a second. Point of order, Chair: We are starting to tread the line on matters that perhaps the OPP and others may be looking at, when we start framing questions in terms of fraud and that sort of—

*Interjection.*

**The Chair (Mr. Norm Miller):** Continue.

**Mr. Frank Klees:** Chair, Mr. Zimmer should just take a look at this document where the senior vice-president admitted, in writing, that he was directed to fudge the numbers for the number of patients that they were carrying. Now we have Mr. Feeley telling our committee that they intentionally left out millions of dollars of costs that should have been entered into this budget, so that we have a budget, a balanced budget.

**Mr. David Zimmer:** He didn't say that.

**The Chair (Mr. Norm Miller):** Let Mr. Feeley answer, please.

**Mr. Jim Feeley:** I can't permit you to leave that on the record in that context. There was nothing fudged. There was nothing altered or padded—or use whatever term we want to use. We consciously, totally get what you're saying—

**Mr. Frank Klees:** Okay.

**Mr. Jim Feeley:**—and we're going to manage that going forward. That's what the—

**Mr. Frank Klees:** But it was a conscious decision not to include those costs.

**Mr. Jim Feeley:** To balance the budget this year—we had to balance the budget, so, yes, we balanced the budget. I don't believe that anybody, myself included—we will work this out going forward, but without any—

**Mr. Frank Klees:** Chair, how much time do I have left?

**The Chair (Mr. Norm Miller):** You have nine minutes.

**Mr. Frank Klees:** Mr. Feeley, I'd like to focus on the medical interiors.

**Mr. Jim Feeley:** Sure.

**Mr. Frank Klees:** Mr. Farquhar, when he was here, testified that you had responsibility for the medical interiors from an aviation perspective. Is that correct?

**Mr. Jim Feeley:** I will take responsibility for that, yes.

**Mr. Frank Klees:** He told us that you went to Switzerland to help oversee the designing of the interiors. You were on that trip.

**Mr. Jim Feeley:** Yes, I was.

**Mr. Frank Klees:** On that trip, what exactly was your role?

**Mr. Jim Feeley:** Technical compliance, basically. My objective was to ensure that any of the safety equipment, egress issues, weight and balance in terms of the medical community or the medical group that we were—and air-worthiness compliance. Secondly, I was there to—once they agreed on a build, then I was there and understood the build, and as they went into the actual production side of it, that we could comply with what the intent was.

**Mr. Frank Klees:** All right. So you signed off on the design and it went into the build mode. What went wrong? Because once it got back here, we heard that there were then complaints from paramedics. They could not—apart from storage issues for medications and so on and other things, they couldn't even conduct CPR properly. We have this report that enumerates many, many cases, and I'm sure you've seen this report, where paramedics insisted on not accepting a patient on board. They were then transferred by land ambulance and so on and so forth. Many things went wrong. What happened?

**Mr. Jim Feeley:** Mr. Klees, honestly, from a technical compliance perspective, my job in going there—and actually, to the point that when I saw the process, I thought it was, from my perspective on the technical side, well done. At the end of the day, we delivered a good product, on time, on budget. So as to what went wrong on the medical, clinical side, I don't know what the oversight was. I'm sure Mr. Lepine and Mr. Farquhar probably addressed those questions.

**Mr. Frank Klees:** Mr. Farquhar testified that after determining that there were problems, you helped him work out an exemption with Transport Canada and that that took about a year. In the meantime, there was full knowledge that there were problems. Where do we stand now on that? Are we in that position here—

**Mr. Jim Feeley:** Just to clarify, it didn't take a year to get the exemption. It took some time, admittedly, because it did happen at the same time that the larger story broke, and it did cause Transport Canada to be extra diligent, so that did add to their process, and fair enough.

We had received it in February. That exemption is good until February of this coming—several months from now. There's a phased-in approach to this in that we recognize that a full refit or generation 2 of the interior will take longer than what's remaining in the year exemption, so—

**Mr. Frank Klees:** What's the implication, now, to patient care, of those faulty interiors while we're trying to find out and wait for—

**Mr. Jim Feeley:** I believe that the medical advisory committee—Dr. Sawadsky, is quite happy with the interior in this exemption phase, and I believe the interim solution—I think that's the language we're using internally—is quite satisfactory as well. In fact, I think the interim solution will be somewhat—not to get ahead of the process, but the interim solution is somewhat where they're heading on the final solution.

**Mr. Frank Klees:** The family of a patient who died as a result of a stretcher jamming in that interior would probably not consider it a very adequate solution. Would you agree? You're familiar with what I'm referring to, the incident on May 17 of this year, where a patient could not be extricated from the helicopter because of the stretcher jamming. What we have now is a situation where, because of those faulty interiors, we have patients dying—certainly at risk.

**Mr. David Zimmer:** That's not fair. The coroner is looking into that. There's no decision—

**The Chair (Mr. Norm Miller):** Continue.

**Mr. David Zimmer:** Chair, there's got to be some fundamental fairness in these questions. You can't put those kind of hypotheticals to a witness like that and ask—

**Mr. Frank Klees:** Mr. Zimmer, it's not a hypothetical issue at all. Look at your report. If you get up early enough to read it, you'd know that it's right in the report.

*Interjection.*

**The Chair (Mr. Norm Miller):** If we can limit the discussion—

**Mr. Frank Klees:** I'm telling you, I don't know what you do with your time, but you come in here and you haven't read the basic reports.

**The Chair (Mr. Norm Miller):** Mr. Klees.

**Mr. David Zimmer:** You don't need to get ugly.

**Mr. Frank Klees:** Come on. It's not ugly; it's just factual. My point is simply this—

**Mr. David Zimmer:** Don't get ugly, Frank. Don't get ugly.

**Mr. Frank Klees:** My point is simply this: We have a situation in this province today where we have helicopters that are not adequate to meet the needs of patients. Where I was going, Mr. Feeley, with this question, is very simply this: How long will it take to resolve this issue, and at what cost? We've paid about \$6 million now for those customized interiors. How long do we wait? How much more will it cost us to get it right?

**Mr. Jim Feeley:** Okay, we've made several comments here, so I'm going to try to get through this. I think that the configuration where that—if I can cite your example that you've said there about the patient, that outcome is really very little, if any, result of the medical interior. It was in a transverse position. It was a loading-unloading scenario, so the configuration in terms of the troubles with the CPR and the high Fowler's in that configuration, that stretcher jamming was resultant of just that. It was a mechanical failure or a mechanical breach of the system. I'll argue that—

**Mr. Frank Klees:** Is that acceptable?

**Mr. Jim Feeley:** Well, any system that we have out there, whether it's an air ambulance or whether it's a land ambulance or any mechanical device—is it acceptable? Absolutely not, in terms that we do everything in our power to prevent these things from happening, but we have to recognize the business that we're in, in terms that we're dealing with pieces of equipment that may let us down at times. Is that a design flaw? And that's where

I'm going with this: Was it a design flaw, that particular event? I'll argue, no. In fact, we've, as we always do—and I'll go back to one of the comments I made earlier. The internalization of the aviation side of the business, we can react to and observe and study these things first-hand. We don't have to work through a vendor, which seems to help us in terms of our results. So we've investigated that particular incident already and we've come up with what we think is the most probable, repeatable cause of that, and we've put changes in place already.

Let's go back to your question earlier. I think it does aid us in that there's no intermediary there, so we have put a change in place. Was it a design flaw? I'll say if the fix we have actually works for us—and that's yet to be seen; we've only had it in place for a couple of weeks now. We haven't had a repeat since we've made that change, so I'll argue that it was something that we've fixed. Again, it's a piece of a mechanical thing, so we need to work through these discoveries and rectifications.

**The Chair (Mr. Norm Miller):** You have a minute left, one minute.

**Mr. Frank Klees:** Just how long and at what cost—your best estimate—to get those medical interiors right?

**Mr. Jim Feeley:** The RFPs for the interim and the final, Mr. Klees, are just going out, I believe, and I think are in circulation. The desire is to expedite this and get them out. I'd be hard-pressed to give you a dollar value because we haven't received any return quotes on, actually, this—time-wise, I can talk about time, what the desired time is, but the cost I can't really comment on because we just don't have any feedback from the suppliers.

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**Mr. Frank Klees:** And what is the time?

**Mr. Jim Feeley:** Recognizing build lead times to whatever the chosen supplier is for the interim—we recognize that February is an absolute—Transport Canada has told us they will not renew this exemption, which is fair. So we have till then to get at least an interim solution in place.

In the meantime, in parallel to that process, we're working towards the final solution as well. So not to let one piggyback on the other, we are working in parallel. The interim solution will be in place within—again, it's contingent on the builders because that seems to be the long lead, the build time on this equipment. It would be a matter of a very few months into this fall, I would say, long before the exemption has expired. And then—

**Mr. Frank Klees:** Have any of those costs been built into the budget?

**Mr. Jim Feeley:** It is in the budget, yes.

**Mr. Frank Klees:** How much have you allocated?

**The Chair (Mr. Norm Miller):** We're out of time.

**Mr. Frank Klees:** If we could just let him finish.

**The Chair (Mr. Norm Miller):** Perhaps the NDP will follow up on that question. Go ahead.

**M<sup>me</sup> France Gélinas:** Sure. If you have the number or if you know where it is—how much have you allocated?

**Mr. Jim Feeley:** Do you mind if I look?

**M<sup>me</sup> France Gélinas:** Not at all.

**Mr. Jim Feeley:** I don't want to make a number up that somebody will come back—

**M<sup>me</sup> France Gélinas:** No, no. Go ahead.

**Mr. Jim Feeley:** So if you want to go ahead, I can just—while I'm looking here. This is in the operational budget and, actually, the other budget is the capital budget, and that's where the money is actually sitting for the allocation. Not to make numbers up, it's a million dollars, something like that.

**Mr. Frank Klees:** Perhaps Mr. Feeley could get that—

**Mr. Jim Feeley:** It's probably best if I followed up. That's a better approach.

**M<sup>me</sup> France Gélinas:** Very good. I'm pleased to meet you, and thank you for coming to Queen's Park.

You've been with Ornge for a number of years.

**Mr. Jim Feeley:** Yes.

**M<sup>me</sup> France Gélinas:** Can you tell me where you started and how you moved through the ranks and how your responsibilities changed over that period of time?

**Mr. Jim Feeley:** Just with Ornge?

**M<sup>me</sup> France Gélinas:** Correct.

**Mr. Jim Feeley:** Yes. At the very beginning of the desire to in-source the fixed-wing and ultimately the rotary-wing operation, I was brought in to basically get the aviation corporation or the air operating certificate and ultimately the AMO certificate approved. I was brought in as one of the early members of the team on the technical op side to actually get the Transport Canada approvals. First of all, it was the air operating certificate for the fixed-wing or, better put, the PC-12s.

**M<sup>me</sup> France Gélinas:** And that was what year?

**Mr. Jim Feeley:** That was 2008 that began.

**M<sup>me</sup> France Gélinas:** Okay, in 2008.

**Mr. Jim Feeley:** Yes.

**M<sup>me</sup> France Gélinas:** And you became VP—

**Mr. Jim Feeley:** Two years later, thereabouts.

**M<sup>me</sup> France Gélinas:** What was your relationship to Rick Potter?

**Mr. Jim Feeley:** Throughout, up until just recently, Rick was always my—at the time he was—don't hold me to this. I believe he was the VP of aviation in the early days, and at some point he moved up to the COO of aviation. Don't hold me to when that happened, but somewhere in there. And then, Rick's workload became such that they wanted to have a VP of aviation, so I competed for that position and won it.

**M<sup>me</sup> France Gélinas:** So would you report to Mr. Potter?

**Mr. Jim Feeley:** Throughout, yes.

**M<sup>me</sup> France Gélinas:** Throughout?

**Mr. Jim Feeley:** Yes.

**M<sup>me</sup> France Gélinas:** Okay. Is Mr. Potter still at Ornge in any capacity?

**Mr. Jim Feeley:** Not that I'm aware of.

**M<sup>me</sup> France Gélinas:** When was his last day? When did he leave?

**Mr. Jim Feeley:** That was between him and the CEO, the interim CEO. I'll say March some time, but I honestly don't know.

**M<sup>me</sup> France Gélinas:** But he's not there anymore?

**Mr. Jim Feeley:** No, he's not.

**M<sup>me</sup> France Gélinas:** Okay. How does your role differ since Mr. Potter is not there anymore?

**Mr. Jim Feeley:** It doesn't. I was responsible, under Mr. Potter's term towards the last—I was VP of aviation responsible for basically what I am now. Rick, with the company the way it was structured in the last year or so, with the divestment of their interests—he was divested around, and I was responsible for basically the air carrier and the AMO side. Once that part of the business fell away, it just fell back to the core business, and that's what I'm responsible for.

**M<sup>me</sup> France Gélinas:** So for the last two years, you've held the position and the title of VP of aviation.

**Mr. Jim Feeley:** Correct.

**M<sup>me</sup> France Gélinas:** And basically your responsibilities have changed in the sense that you brought fixed-wing and then you brought rotary-wing in-house to become an aviation provider?

**Mr. Jim Feeley:** Yes.

**M<sup>me</sup> France Gélinas:** And this has all fallen under your responsibility?

**Mr. Jim Feeley:** Yes.

**M<sup>me</sup> France Gélinas:** Okay. And at the time, you said, the position was open and you applied for it? Is that it?

**Mr. Jim Feeley:** I want to back up a little bit, if I may.

**M<sup>me</sup> France Gélinas:** Sure.

**Mr. Jim Feeley:** The accountable executive throughout that process, through the air operating certificate approvals, was Rick Potter. So there is an accountable executive position that Rick held, which is an overall governance that the corporation must assign, and Rick Potter was assigned that governance. Throughout, though, I was at the working end of the process, if I can say that.

**M<sup>me</sup> France Gélinas:** Okay.

Coming back to the interior design of the new AW139, when Mr. Potter was here, he really distanced himself from this. He said that he wanted the operation to look at this; he wanted the people on the front line to make those kinds of decisions. And he basically pointed at you, as in that you were the one responsible for that task. You kind of agree to it today, that, "Sure, I'll take responsibility for that."

At the end of the day, given that we have to go to an interim design in what you call, I think, a final interior, is there anything we've learned? How did we end up needing an interim design and a second-generation design so soon after having gotten them in the first place?

**Mr. Jim Feeley:** Well, I'll be repeating, I think, what people have already said, but I'll input it. Clearly, some of the medical/clinical issues were—I'm probably wrong in saying they were overlooked, but wrongly analyzed in what was needed. Ultimately the service delivery is the

objective, so if it's short in that regard, then we have to fix it. That's all I can say, I guess.

As I said earlier to Mr. Klees, that wasn't my purview, really. I was there to serve a function which we, in aviation, did largely well. It's unfortunate that on the clinical side it didn't work out.

**M<sup>me</sup> France Gélinas:** Okay. So if you are distancing yourself from this decision, like many other people before you have, who was responsible to make sure that the clinical side worked?

**Mr. Jim Feeley:** Clearly, it was Tom Lepine. He was the CEO of that side of the—I mean, I'll have to share it a little bit. The clinical side of the company as well—the medical side of it as well as the paramedic side of it were the two teams there that were responsible for that.

**M<sup>me</sup> France Gélinas:** So when you look back and you say, "Somebody should have caught that," in your mind, that somebody is Tom Lepine and the two paramedics that were on the team?

**Mr. Jim Feeley:** You're asking my opinion at this point.

**M<sup>me</sup> France Gélinas:** Yes, absolutely. That's all I'm asking. We're not going to—

**Mr. Jim Feeley:** Sure. In the team that were basically assigned to do this, they would have been the best to make sure that that was not overlooked. So I'd have to say yes.

**M<sup>me</sup> France Gélinas:** Okay. So when you talk about the clinical side, that was really the two paramedics: the one from Sudbury and the one—those were the clinical side that were assigned to your team? Was it your team or—

**Mr. Jim Feeley:** In watching the process, I think it was the medical side that would determine what procedures were going to be permitted within this vehicle. They provided the scenarios, effectively, and the paramedical team were provided with or actually exercised the ability to do it. So there were really two sides of it, if you understand where I'm going with that.

**M<sup>me</sup> France Gélinas:** Okay. So the clinical side would have been physicians that said, "You have to be able to do CPR. You have to be able to do intubation. You have to be able to start an IV. You have to be able to do this, this and that." Then the two paramedics would kind of try it out in the interior design that they were developing?

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**Mr. Jim Feeley:** That's kind of how it went, yes. That's actually how it went.

**M<sup>me</sup> France Gélinas:** All right. And at the end of the day, Mr. Lepine was the one who made sure that the service side and the aviation and all of this was brought together to all work. The weight and balance would work, the clinical needs were met—

**Mr. Jim Feeley:** Yes, he was the executive sponsor for the project.

**M<sup>me</sup> France Gélinas:** Did you ever ask for the expertise or the opinion of people within government? You've mentioned that certainly there is quite a bit of

expertise that lies with MNR with design and that kind of stuff. Were they ever brought in or asked or consulted?

**Mr. Jim Feeley:** Under the terms of what we've just been talking about, I don't know—I mean, anybody from Transport Canada or MNR, or you're talking about the Ministry of Health? Is that what you're—or just MNR?

**M<sup>me</sup> France Gélinas:** Both MNR and health.

**Mr. Jim Feeley:** From a technical perspective, we can talk about many faults, and Mr. Klees did talk about some faults there, or what were perceived to be faults. From a technical side, the areas that I was in—and we did. Transport Canada approved or at least accepted the approval of this interior. But I argue I don't think that's really what's in question here. I don't think the technical aspect of the interior has really been in question to any great length or great extent.

**M<sup>me</sup> France Gélinas:** Okay. As you were going through the process of purchasing those helicopters, did you know if the ministry was interested in following this process? Did they ask questions as to where you were at and what was being done and who was doing it?

**Mr. Jim Feeley:** The Ministry of—

**M<sup>me</sup> France Gélinas:** Health.

**Mr. Jim Feeley:** No, I'm not aware. I just wasn't in the communication on that side of it.

**M<sup>me</sup> France Gélinas:** No. Have you ever communicated with anybody, let's say, in government in general? Do you have any contacts within government to help you do your work?

**Mr. Jim Feeley:** Federally?

**M<sup>me</sup> France Gélinas:** No, provincially.

**Mr. Jim Feeley:** Provincially. Sorry, I have to be careful, because I'm dealing with—with the MNR, which is our provincial governance, and Transport Canada, certainly. They were well aware of the technical modifications we were doing to the aircraft, so we had constant communication. As far as the clinical side, the Ministry of Health side, no. I had no contact. I didn't know whether they were involved or to what extent they were involved.

**M<sup>me</sup> France Gélinas:** Okay, so it was clearly on the aviation side. You do have a relationship with the people at MNR who are in charge of aviation, but you didn't go to the health side, which was not your area of responsibility.

**Mr. Jim Feeley:** Correct.

**M<sup>me</sup> France Gélinas:** Okay. Do you want to go?

**Mr. Jagmeet Singh:** Did you ever work personally with Mr. Mazza?

**Mr. Jim Feeley:** No.

**Mr. Jagmeet Singh:** Were you aware at any point in time of his salary or any discussions about that?

**Mr. Jim Feeley:** No.

**Mr. Jagmeet Singh:** Were you aware of anyone's salary, any other executive's salary?

**Mr. Jim Feeley:** No.

**Mr. Jagmeet Singh:** You've heard the concerns that were raised. I assume that you've been following some of the findings of this committee. In your mind, if you could

say as an opinion, what was the key problem at Ornge and how can you address that?

**Mr. Jim Feeley:** The key problem was probably two principles in terms of—there has been a fair amount of discussion around the medical interiors, which is probably the most important to everybody in terms of providing safe transport for the patients. In terms of getting that right, we're working hard towards that. As to what happened, we've talked about it a little bit. We have to make sure that, going forward, it is absolutely correct.

In terms of what Dr. Mazza or the senior executive team were up to in terms of that larger part of the business—which has been well documented—I don't know. I have no comment, really, as to what went wrong there, what their ambitions were ultimately. It's all, to me, what has come up in this committee and what's in the paper. Until the OPP investigation—it's all hearsay at this point, so I just don't have any comment.

**Mr. Jagmeet Singh:** That's fine. In terms of your involvement, did you have any involvement or any knowledge of any of the for-profit side companies?

**Mr. Jim Feeley:** Probably an awareness, but I had no involvement.

**Mr. Jagmeet Singh:** Okay. You've already answered this, but just to clarify, in terms of your interaction, you didn't have any interaction with any ministry officials on a regular basis in terms of oversight or providing any feedback of what was going on?

**Mr. Jim Feeley:** The only involvement I've had—and more so lately, to be honest with you—is on the investigative side. We do have an investigation branch. We worked closely with Rick Brady on the exemption approval. He was actually involved in that. More so lately it's been escalating, but really, as far as the day-to-day reporting to the ministry itself, to Malcolm Bates's office, no, but only on the investigation side we do get involved more and more now.

**Mr. Jagmeet Singh:** And just on the day-to-day side, you weren't involved directly. Were you aware of it going on while you were at Ornge before—you've taken over this role as VP of aviation, but before, when the scandal, if you can call it that, was in full effect, at that stage were you aware of any regular meetings with the ministry and did you hear about that as you were working there?

**Mr. Jim Feeley:** No. It just wasn't in my scope; sorry.

**M<sup>me</sup> France Gélinas:** You never saw ministry people come to Ornge to look at what you guys were doing?

**Mr. Jim Feeley:** I wouldn't recognize them anyway, but I probably know some people now, just because of their public—I've seen the faces—but at the time, no, I wouldn't even have known who they were.

**M<sup>me</sup> France Gélinas:** So we find out that Mr. Mazza was interested in offering the type of expertise that had been developed at Ornge, to be able to offer air ambulance and offer those services abroad to other countries that may not have the type of medical and aviation skills that were here. Did you know about that?

**Mr. Jim Feeley:** Certainly. There was a fair amount of discussion; in fact, there was a whole group of people who were working towards the marketing of that business design. They were in the building. I knew largely what they were doing, but in no great detail at all.

**M<sup>me</sup> France Gélinas:** So who would have handled the aviation side? I mean, to fly to the States or to fly outside of Canadian airspace, somebody has to know what they're doing. Wouldn't that have been you?

**Mr. Jim Feeley:** I suppose, ultimately. I don't know if they had gotten to that point. I think they were still trying to market the concept. Again, I don't know that they had actually gotten into the—I mean, there was different discussions, just in passing, as to whether—to go back to an earlier discussion—in-sourcing it or outsourcing it was the right decision, and I don't know how far they had gone on that. So no, we hadn't. Would we have been involved at some point? I suppose, but I think they were still on the conceptual idea of that.

**M<sup>me</sup> France Gélinas:** So if you look at where you were, let's say, a year ago today, compared to where you are now, you now have a new board of directors; you now have a new CEO; Rick Potter is gone; Maria Renzella, a number of people who used to be there, who you used to work with, who used to be your colleagues, they're all gone. Is the new leadership, the new CEO and executive, making things better, the same, worse?

**Mr. Jim Feeley:** Better; no doubt.

**M<sup>me</sup> France Gélinas:** Okay, and what makes you say that?

**Mr. Jim Feeley:** I guess, simply put, it's a focus. We've got a clearer focus on what we're trying to achieve here, and I think now that they're working very closely with the Ministry of Health, there's a focus all around—not only at Ornge, but also at the ministry. It seems that we've got a service to deliver, and what do we need to do to provide that service the best way possible?

**M<sup>me</sup> France Gélinas:** Do you see now—are you in contact with people at the ministry?

**Mr. Jim Feeley:** Not directly, but there is a morning report that goes over to them, and they do get that in terms of what—there's a very repeatable dialogue going back and forth between the ministry and us. I'm involved in providing that information to a communication officer who provides it over to the ministry, and there's dialogue there.

**M<sup>me</sup> France Gélinas:** So what kind of events are you supposed to report back to communications for the daily briefing of the ministry?

**Mr. Jim Feeley:** Basically any service impact is largely what we're trying to do, at this point. It all stems back to the amended performance agreement, and then there are clear definitions around what's reportable to the ministry, as much as possible. I know they've been given a period of time to put it in place, but I think we're working hard to try to get that dialogue going immediately.

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**M<sup>me</sup> France Gélinas:** Do you figure that in a year from now you'll still be doing daily reports or—

**Mr. Jim Feeley:** It's our desire that we can automate that, that it doesn't become so manual. But yes, I think it will be—I mean, it's entirely up to the Ministry of Health in terms of what level of oversight or scrutiny they want to offer upon us. Certainly, I think, as we show our ability to do it, they're going to probably amend their processes accordingly.

**M<sup>me</sup> France Gélinas:** One last one: You know that Ornge owns 12 helicopters, although there are only 10 of the AW139s that are in service right now. Do you have any opinion as to what we do with the two spare ones?

**Mr. Jim Feeley:** The two that are in Coatesville, Pennsylvania, are up for sale. I think my objective or my direction has been given that we will try, recognizing that it is taxpayers' dollars, to buy them or ultimately we'll buy them through the bond payments. We need to get at least what's invested in them back out, so that's kind of the direction that we're trying to achieve here.

That marketing process is under way and as soon as we hit that threshold where we get fair value for them and what's been invested in them, we will dual-surplus them to retrieve the funds.

**Mr. Jagmeet Singh:** I want to take you through just kind of a brief overview of before and after. You went through and you described some of the type of rotary-wing aircraft that we have. You cited some numbers. What I want to do is go through—in terms of bases, currently, how many bases do we have up on the aviation side in terms of their staffing? And if you can talk about some of the previous bases that we had and just do a little bit of a comparison. I can walk you through with more specificity—

**Mr. Jim Feeley:** Certainly.

**Mr. Jagmeet Singh:** So right now, how many bases in Ontario?

**Mr. Jim Feeley:** Bases of operation is a little misleading. We have two bases that have duplicity. We have Thunder Bay and Toronto, which are both—Toronto has two helicopters that operate—or two line helicopters that operate out of that base, and Thunder Bay actually has three, where we have two fixed-wing assets and one rotary-wing asset.

**Mr. Jagmeet Singh:** So out of Toronto we have two.

**Mr. Jim Feeley:** Yes.

**Mr. Jagmeet Singh:** And out of Thunder Bay we have three.

**Mr. Jim Feeley:** Correct. From an aviation perspective, we actually have three, yes.

**Mr. Jagmeet Singh:** Okay. And in the rest of Ontario—

**Mr. Jim Feeley:** Single aircraft in Sioux Lookout, Kenora, Timmins, Sudbury, London, Ottawa, Toronto and—I think I've got everybody; Moosonee, sorry.

**Mr. Jagmeet Singh:** Okay. And now at those bases where there's a single craft—

**Mr. Jim Feeley:** Yes, single-line support.

**Mr. Jagmeet Singh:** Single line of support.

**Mr. Jim Feeley:** Often, at those bases now, we have a redundancy of aircraft, but as far as crewing support, it's single-line.

**Mr. Jagmeet Singh:** Actually, would you be able to say which areas have two craft and which areas have more than two?

**Mr. Jim Feeley:** Toronto has two AW139s currently operating, with spares to support those two. We have two medical lines in Thunder Bay, with three assets.

**Mr. Jagmeet Singh:** And the other ones are all single, there's only one—

**Mr. Jim Feeley:** Everybody else is single, yes.

**Mr. Jagmeet Singh:** Okay.

**Mr. Jim Feeley:** Single-line support.

**Mr. Jagmeet Singh:** Single line of support: Does that mean one aircraft or does it mean multiple aircraft?

**Mr. Jim Feeley:** No—I'll say all locations have at least two aircraft now.

**Mr. Jagmeet Singh:** Okay, perfect.

Now, before this shift towards internalizing the aviation, how many bases were outsourced? Are you aware of that?

**Mr. Jim Feeley:** No change.

**Mr. Jagmeet Singh:** No change?

**Mr. Jim Feeley:** No change.

**Mr. Jagmeet Singh:** So there weren't any additional bases that were being outsourced?

**Mr. Jim Feeley:** No. When we did the Ornge Global Air—that's the fixed-wing operation—we displaced the outsource vendor in Sioux Lookout, Timmins and Thunder Bay. We just replaced it.

**Mr. Jagmeet Singh:** Okay. What I was leading you to is just to look objectively—if you could assess objectively the difference between outsourcing, which was the previous model, and the internalization, if there was a significant difference in terms of the amount of bases that were in operation or the amount of aircraft that were available at any given time.

**Mr. Jim Feeley:** Say that first part again. The aircraft that were available?

**Mr. Jagmeet Singh:** Right, aircraft that were available for any particular—at any given time, how many aircraft were available for Ornge or air ambulance services, to provide those services?

**Mr. Jim Feeley:** The service delivery to the Ministry of Health has not changed. The only thing that has changed is, Ornge Air, in the in-source model, does provide one more line item in Thunder Bay. At one time, by contract there was one aircraft required by the vendor in Thunder Bay, and currently we supply two on the fixed-wing side. Other than that, there's no change.

**M<sup>me</sup> France Gélinas:** Coming back to the interior design, now that we are faced with a second generation of design, if you had to do this all over, if you're putting a team together, you're on a flight to Switzerland to decide—it was Switzerland, right?

**Mr. Jim Feeley:** Yes.

**M<sup>me</sup> France Gélinas:** What would you do differently?

**Mr. Jim Feeley:** Clearly, in hindsight, which is what we're doing today—but to lessons learned from that process, if that's your question, yes, the mock-up has to happen, or the full trial has to happen. That has to be coupled with a complete review of the mission profiles. That's one of the things that we all collectively need to ensure: that there isn't any confusion around what the actual mission profile needs to be. The CPR is the one everybody refers to. There was work done on the CPR in the mock-up twice in Switzerland. This time around, the intention is to try that around the different locations to make sure that in every possible geographical location, if there are any subtleties or differences in the way that the business is done at any location—in the case of CPR, that's probably not the case. Whether one location has a need to do a certain procedure which maybe another location doesn't do very often: They're just going to try that around the province to make sure that there are no gaps in the clinical side of the business.

**M<sup>me</sup> France Gélinas:** From what we've heard and from what you've said this afternoon, CPR was tried in the design when you were in Switzerland, yet once it got here it didn't work anymore. What was the difference between what was tried and what we're doing now?

**Mr. Jim Feeley:** From my perspective, the technical side, nothing.

**M<sup>me</sup> France Gélinas:** Nothing is different?

**Mr. Jim Feeley:** No.

**M<sup>me</sup> France Gélinas:** Okay, but it worked when we were in Switzerland and it didn't work when we were here.

**Mr. Jim Feeley:** I can't comment on that as to what happened there clinically; I don't know. But from a technical perspective, it's to the millimetre from the mock-up.

**M<sup>me</sup> France Gélinas:** So it was basically missed as an honest mistake because the differences were so small?

**Mr. Jim Feeley:** I can't comment; sorry. I'm not trying to dodge your question at all, but it would be purely speculation on my part as to what changed there.

**Mr. Jagmeet Singh:** Perhaps you could just speculate, then, if you were asked—

**Mr. Jim Feeley:** I can't comment. I just don't know what to tell you to answer the question. I witnessed the activity. As to why it's not working today, I can't comment.

**M<sup>me</sup> France Gélinas:** But you agree that it's not working because you're going to the second-generation design and going through—

**Mr. Jim Feeley:** Correct. Obviously if it's not working, we can be very humble about why that happened or that, in fact, it did happen, and we are. We'll make every effort to expedite the fix, to do it right. Certainly, the lesson learned is to do with the additional diligence required in this second generation.

**M<sup>me</sup> France Gélinas:** Do you figure that a salary of \$1.4 million for Mr. Mazza was appropriate?

**Mr. Jim Feeley:** I have no comment on that. The reason I say that is, I don't even know—I'm hearing here

and in the media that that's the case, but until somebody—

**M<sup>me</sup> France Gélinas:** The Auditor General knows how to count. He has seen a number or two before, and he's the one who says that it was \$1.4 million. He's sitting there, if you'd like to ask him.

**Mr. Jim Feeley:** Fair enough. What value is it? I'm sorry.

**Mr. Jim McCarter:** All I can comment is, in our report, when we did discuss this with the ministry earlier on, what we said was that we couldn't disclose an individual's salary but we did say that the top five executives were getting \$2.5 million. Our point to the ministry was, "Are you aware of this and are you sure you're comfortable with this?" We didn't come out and exactly specify Mr. Mazza's salary, but I think it has been publicly reported, actually, from Ornge, what the salary had been.

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**Mr. Jim Feeley:** Okay. Inappropriate, in my opinion, but that's just from where I'm sitting.

**M<sup>me</sup> France Gélinas:** No, your opinion is what—

**Mr. Jim Feeley:** For whatever that's worth.

**M<sup>me</sup> France Gélinas:** Your opinion is what I wanted. The—

**The Chair (Mr. Norm Miller):** And we're pretty much out of time, so thank you very much for coming before the committee today. We appreciate that.

**Mr. Jim Feeley:** Absolutely.

#### MINISTRY OF HEALTH AND LONG-TERM CARE

**The Chair (Mr. Norm Miller):** Our next witness will be Mr. Rick Brady from the Ministry of Health and Long-Term Care: manager, investigations unit, emergency health services, land/air operations. Welcome, Mr. Brady.

**Mr. Rick Brady:** Good day.

**The Chair (Mr. Norm Miller):** And to confirm that you've received the information about a witness coming before the committee?

**Mr. Rick Brady:** I did.

**The Chair (Mr. Norm Miller):** Very well. Our clerk has an oath for you.

**The Clerk of the Committee (Mr. William Short):** Mr. Brady, do you solemnly swear that the evidence that you shall give to this committee touching the subject of the present inquiry shall be the truth, the whole truth and nothing but the truth, so help you God?

**Mr. Rick Brady:** I so swear.

**The Clerk of the Committee (Mr. William Short):** Thank you.

**The Chair (Mr. Norm Miller):** Thank you. If you'd like to make an opening presentation, please start with that, and then we'll go to questions afterwards.

**Mr. Rick Brady:** Thank you, Mr. Chair, and thank you to the members of the committee for inviting me to come and present before you. I hope I can be helpful to you.

My name is Rick Brady and I am the manager of investigation services at the emergency health services branch of the Ministry of Health and Long-Term Care.

I'd like to start with a brief review of my position, and then I'll focus on ministry investigations into air ambulance and related services, including Ornge.

I have been employed by the Ministry of Health and Long-Term Care since 1997. Currently, I am the manager and chief expert on investigations at the emergency health services branch. During this period, I have personally conducted over 600 ambulance investigations, and have overseen more than 700 such investigations since 2007, which is the year we began using a database to track such information.

As the manager of investigations, my main responsibilities include planning and managing investigations and follow-up activities with respect to complaints into compliance by air and land ambulance services in Ontario. My work touches on a wide range of legislation, primarily the Ambulance Act, but also including the Personal Health Information Protection Act and the Provincial Offences Act, among others.

I am the emergency health services branch's lead provincial offences officer at the branch. In my work, I am required to identify possible or actual areas of individual or systemic breaches of legislation related to the delivery of ambulance, ambulance communications or base-hospital services.

Now, the ministry's complaints process: The services provided by land and air ambulance operators generate a number of complaints or concerns each year. For land ambulance operators, most are handled directly by the ambulance services themselves, such as the municipalities who operate the services. All complaints regarding Ornge must be reported to the ministry.

The branch receives complaints or inquiries from a variety of internal and external sources: through the ministry itself, municipal representatives, managers or directors of emergency medical services, dispatch centres, and from Ornge, as well as through patients, their families, the local or regional coroner, police services, legal representatives, and sometimes from the media.

When complaints are conveyed to the ministry's EHS branch, we conduct an investigation into each complaint and report the findings to the complainant as well as to the relevant ambulance service.

The branch currently has a number of ongoing investigations related to incidents concerning Ornge's response to various patients requiring air ambulance service across the province. Each investigation typically takes many weeks to complete. These investigations reflect a variety of concerns. They range from the standard of medical care to Ornge's responsiveness to requests for air ambulance service. As I'm sure you can appreciate, we should be cautious about discussing any specifics related to individual patients whose personal health information is protected under the Personal Health Information Protection Act.

I should point out that the ministry's process allows for some of these complaints to be forwarded to the service operator to conduct its own internal investigation, and then they can report to the complainant. As of mid-June 2012, our investigation services had not redirected any complaints to Ornge for its own internal investigations. Any internal investigations that had been undertaken by Ornge would have been in response to complaints it received directly.

In terms of the process in relation to the Office of the Chief Coroner, section 10 of the Coroners Act requires that the coroner be notified if an investigation involves a deceased patient whose manner of death meets the legislated criteria under the Coroners Act. The decision whether to conduct an inquest rests with the coroner. As well, the decision, if the coroner wishes a copy of our report, rests with them. So once they've been notified, if they want a copy of the report, then they notify me, under section 16 of their act, that they wish a copy of the report.

The purpose of an investigation is to determine whether there have been any contraventions of the Ambulance Act, its regulations or the standards made under the act. The branch does not conduct investigations into matters covered by any other provincial or federal legislation, nor does it determine the cause of injury or death, nor does it delve into the actions of other agencies such as fire and police services.

Again, thank you for this opportunity to outline the process and the purpose with respect to air and land ambulance services, and now I'm happy to answer any questions, if I can.

**The Chair (Mr. Norm Miller):** Thank you for that opening statement. We'll move to the opposition for the first question. You have 28 minutes, Mr. Klees.

**Mr. Frank Klees:** Thank you, Chair.

Thank you, Mr. Brady. I'd like to just get, perhaps, a more general view of your role specifically in the investigations area with Ornge. Specifically, I would like to ask you whether there was any change in your role through the transition. I'm talking now from the time that we had the Ontario air ambulance service in-house, and then there was the transition to Ornge, although not called that immediately but under the auspices of that new structure. Was there any difference in terms of how you conducted your business, your responsibilities within the emergency health services branch before and after that transition?

**Mr. Rick Brady:** No, there has been no change.

**Mr. Frank Klees:** Was there ever any direction that you're aware of to the emergency health services branch to take a more passive role and allow Ornge to conduct its business and affairs as it sees fit?

**Mr. Rick Brady:** Certainly not to my knowledge. Our function, as doing investigations, did not change. So except for doing more investigations than we did previously, we followed the process that we'd always had.

**Mr. Frank Klees:** We have testimony that there are a number of areas of oversight that the emergency health services has; you, yourself, referred to the Ambulance Act and so on. With regard to Ornge, there were really

three areas of accountability, as set out. One was the Ambulance Act. The other, of course, was the performance agreement. When did you become aware of the performance agreement, and how familiar did you become with that performance agreement?

**Mr. Rick Brady:** Not very familiar. I do remember, at some point, being advised that there was a performance agreement between the ministry and Ornge, but that's a contract, so as a contract it's not an area that my service becomes involved with, because we investigate whether there's been a contravention to the legislation. Since the amended performance agreement, we have provided copies of that to all of my staff, and they are looking at that performance agreement to indicate whether an investigation they're doing there has been a breach of that performance agreement.

**The Chair (Mr. Norm Miller):** Mr. Brady, can I ask you to move your microphone a little closer to you so Hansard can pick you up a little better?

**Mr. Rick Brady:** Okay, thank you.

**Mr. Frank Klees:** I find that interesting because the performance agreement between the Ministry of Health and Ornge was very specific in terms of accountability, in terms of performance measures, in terms of service delivery, in terms of dispatch requirement—the communications aspect of the air ambulance service. We have—and I'm sure you're familiar with this because it actually came from your branch and it was distributed. This is a document that was prepared for cabinet, entitled "Investigations Concerning Air Ambulance and Related Services," and I'm sure you provided all of the information that went into this document.

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**Mr. Rick Brady:** A lot of it, yes, sir.

**Mr. Frank Klees:** We can go through this document. We don't have to. We don't have time. But there are numerous references in here to individual cases that involve circumstances, incidents, where patients have died. There are references to patients not being able to be transported because of the interiors of the AW139. There are incidents referenced in this document of the air ambulance not being able to respond because either there were not enough paramedics staffed or there were not enough pilots staffed to respond. There were incidents referenced here where there was confusing information that came from the dispatcher. These are all incidents that, while they may not have been legislated, one would assume that they certainly would be issues for you to investigate and to make recommendations on. Would you agree with that?

**Mr. Rick Brady:** Again, sir, when a report is completed, our function is to turn the completed report over to senior management at the branch, originally to the manager of the air ambulance program, and now his title has changed. Their function is to decide—they send the report to Ornge and whoever else is affected. We point out in our reports where we have found evidence of issues and our conclusions, and then it's left to somebody

else in the branch to determine what appropriate action they wish to take.

**Mr. Frank Klees:** But you would have a difficult time, I would think, making an appropriate recommendation or finding if you weren't aware of what the obligations of Ornge were under the terms of the performance agreement. Doesn't that make sense?

**Mr. Rick Brady:** Not really, sir, because, again, when we're conducting investigations we will look not just to the legislation but at what policies and procedures, for example, Ornge would have in place. We conduct our investigation looking at: Did they contravene their own policy or did they follow their policy? Do we agree with the policy?

The actual performance agreement, as it was: I was never asked or told that we should make that a part of our investigation. Certainly, now, with the amended performance agreement, I made the decision to ensure that all of my staff have that so that they can look at it to determine—because it's much tougher, in my understanding, not having really read the first one, but the tier 1 indicators and some other indicators of timing and the requirements, and we are starting to report on that in our reports.

**Mr. Frank Klees:** In retrospect, would it have been the right thing to do, would it have been advisable to, in fact, familiarize yourself with that original performance agreement, as well as your staff, to give you a sense of—

**Mr. Rick Brady:** It may have been, sir, but again, with turning the report over to senior management, who would have been intimately familiar with the performance agreement, it's their decision to review the report and be able to discuss with Ornge how to correct any issues that came up in the reports.

**Mr. Frank Klees:** I understand that one of your branch's responsibilities is to sign off on, approve—I'm not sure of the correct word; perhaps "certify"—equipment that's being used for either land ambulance or air ambulance purposes. Is that correct?

**Mr. Rick Brady:** Certainly for the land ambulance side, yes. There's a land ambulance equipment standard, the same as there's a land ambulance vehicle standard. We don't have a legislated standard dealing with air. Prior to—and I can't remember when—the standard was changed, there was a requirement that air ambulance operators would carry the same equipment and types of equipment as the land services. That's not in the current standard. Certainly from a patient-care point of view, I believe that Ornge would be following that standard. I do know that previously, when the ministry operated the system, our contracts with the air carriers specified many things about the interiors, the equipment and other things. Now it has been turned over to Ornge. That's now their issue to deal with.

**Mr. Frank Klees:** And that's the point that I wanted to get to, because it was my understanding that the third party suppliers were, in fact, inspected by the emergency health services branch, that their interiors had to comply with standards.

**Mr. Rick Brady:** Correct.

**Mr. Frank Klees:** What happened? Why would Ornge not be held to the same standards and requirements as the third party suppliers?

**Mr. Rick Brady:** Unfortunately, that's something I can't answer, because I'm not part of the decision-making process there.

**Mr. Frank Klees:** Who would be able to answer that question?

**Mr. Rick Brady:** I would believe that my director, Mr. Bates, or one of the senior managers—again, we don't get into policy discussions at our department. Our job is simply to investigate.

**Mr. Frank Klees:** So we had a situation where Dr. Mazza and his executive group decided that they now wanted to get into the business of owning aircraft, both fixed-wing and helicopters. They went out and they invested \$145 million of taxpayer dollars—indirectly, because we're on the hook for it—and the Ministry of Health took no measures to ensure that that equipment was up to standard and would be able to deliver safe patient care.

**Mr. Rick Brady:** Certainly not my department. I don't know if anyone else with the ministry became involved in that, but certainly the decision to buy the helicopters and outfit them was a decision made by Ornge.

**Mr. Frank Klees:** I'd like to ask you, at what point was the decision made to give Ornge carte blanche over these important standards, these safety standards, as it relates to the business of transporting patients?

**Mr. Rick Brady:** I have no knowledge of that, sir.

**Mr. Frank Klees:** Well, let me ask you this: With regard to the third party suppliers of the service, you still oversee that, right?

**Mr. Rick Brady:** Anyone who is a certified operator of an ambulance service—there's oversight by the branch, yes.

**Mr. Frank Klees:** Right. But you don't oversee Ornge.

**Mr. Rick Brady:** I don't. As I say, we investigate complaints—

**Mr. Frank Klees:** When I say you, I'm referring—

**Mr. Rick Brady:** To the branch.

**Mr. Frank Klees:** —to the branch, because that's where the responsibility resides.

**Mr. Rick Brady:** Correct.

**Mr. Frank Klees:** So you don't oversee Ornge from that—you oversee the third party suppliers, but you don't oversee Ornge.

**Mr. Rick Brady:** Even the third party suppliers today come under the auspices of Ornge. They all receive service reviews from our inspection department, because it's mandatory every three years that every ambulance service in the province is subject to a service review—

**Mr. Frank Klees:** And who conducts that? Sorry.

**Mr. Rick Brady:** There's a section called the inspection, certification and regulatory compliance unit, and their job is to go in, as I say, and conduct service reviews.

Obviously, not every service is done every—if you understand, at least once every three years all ambulance services need to be inspected by them.

**Mr. Frank Klees:** And when was the last time that Ornge was inspected under the auspices of that regulation?

**Mr. Rick Brady:** If I'm correct, there is a service review going on as we speak, or it's being conducted right now.

**Mr. Frank Klees:** Is that the first one since it was structured?

**Mr. Rick Brady:** I don't believe so, no.

**Mr. Frank Klees:** And is that under your auspices? Are you the lead on that?

**Mr. Rick Brady:** No. That's a whole different department. Again, we're set up that inspections and investigations must be separate, based on Supreme Court of Canada decisions that inspections and investigations have two different functions.

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**Mr. Frank Klees:** I'll refer back to this investigations document. There are recurring themes here in terms of problems with dispatch, the problem with down-staffing. The fact that you have been inspecting these incidents and they continue to recur—could you tell me, from your perspective, did you ever take this up to a higher level of authority within your ministry to say, "Look, we've got a mess on our hands here. These people are not complying. They constantly are out of compliance"? I'd like to get your perspective in terms of how serious you thought things were at Ornge.

**Mr. Rick Brady:** I certainly did, with my senior manager and with the manager of the air ambulance program, point out to them that there are issues, that they're not staffing properly, that they're not getting to calls when they should be getting to calls. Certainly when I was notified of the interior issue, that certain patient care activities could not be done, I was quite angry about that. So I did point it out, which is my function to do, and—

**Mr. Frank Klees:** When did you first start to have those discussions with your superiors about Ornge?

**Mr. Rick Brady:** Probably in 2007, because at that point we noted that we were suddenly starting to do more air ambulance investigations than we had in the past.

**Mr. Frank Klees:** And who did you take your concerns to? I'd just like to know specifically.

**Mr. Rick Brady:** At that point I reported to Mr. Dennis Brown, who was senior manager of operations, and Rob Nishman was the manager of the air ambulance program.

**Mr. Frank Klees:** Did you ever report your concerns in writing to these gentlemen?

**Mr. Rick Brady:** Well, it would have been in our reports that these were issues that we were finding. So in that way, it's in writing, because they would receive copies of our reports.

**Mr. Frank Klees:** So back in 2007 you started to get concerned about the non-compliance. They obviously

continued. Things didn't get any better. Someone in your position—I'm assuming that this concerned you?

**Mr. Rick Brady:** Yes.

**Mr. Frank Klees:** You saw that patients were being put at risk. Did you ever attempt to take stronger action? There are such things as orders that can be issued against a provider. Was that ever considered over the course of time?

**Mr. Rick Brady:** Again, that's not my decision to make; I don't have the independence to decide that we're going to have the director issue an order or take other action. That's a decision that's made above me by senior management. I can point out that there are issues, that there continue to be issues, that there are trends going on, but as far as the ability to take direct action, again, we don't do that. I can't do that.

**Mr. Frank Klees:** Did you ever question why there was no specific action taken against this organization?

**Mr. Rick Brady:** I questioned basically along that line, that they didn't seem to be getting any better, and was assured, "No, we're having meetings and we're talking with them and changes will be coming." I thought, okay, fine.

**Mr. Frank Klees:** In the meantime, changes didn't come. It seemed to get worse.

**Mr. Rick Brady:** Correct.

**Mr. Frank Klees:** Patients were at risk, and here we are today.

**Mr. Rick Brady:** Yes, sir.

**Mr. Frank Klees:** Eventually the thing blew up. Did you ever share your concern with any of your peers at the emergency health services branch about what was going on at Ornge?

**Mr. Rick Brady:** Again, I pointed out to them, especially when we found out about this interior issue with the helicopters, that I was very concerned. And I'm not just concerned for the patients, but I feel very badly for the paramedics having to work under these kinds of conditions. One of the things that is really interesting—and I'm sure you'd probably note, having reviewed the briefing note—is that the actual patient care provided by these front-line folks is really excellent work when they have the opportunity to get to a patient and then the opportunity, perhaps, to help the patient. Certainly, from a delivery point of view, oh yes, I was very concerned, but—

**Mr. Frank Klees:** And that's why we're here.

**Mr. Rick Brady:** Correct.

**The Chair (Mr. Norm Miller):** You have five minutes.

**Mr. Frank Klees:** We're hearing from front-line paramedics, pilots, who want to deliver that service. They're frustrated because they don't have the resources. I got an email this morning from a paramedic concerning the lack of equipment. They're scouring for medical equipment at various bases. And instead of getting better, we continue to get disinformation.

Are you aware that there was an order that was prepared to be issued to Ornge just within the last month?

**Mr. Rick Brady:** Yes.

**Mr. Frank Klees:** And can you tell us what that order was about? What prompted that?

**Mr. Rick Brady:** Discussions about some of our investigations. In a meeting with the director, I indicated to him, “I’m sorry, but I think we really need to issue an order,” and he agreed. I helped draft the order. There are two orders, actually. At that point, they were given to the director. What became of them, I don’t know. I’ve heard testimony that the orders weren’t issued and supposedly why, but direct knowledge of it, no, I don’t know.

**Mr. Frank Klees:** How frustrating is that for you? As someone who’s on the front line, you have a responsibility to inspect; you have the responsibility to bring these people into line. You recommend the issuance of an order, you help to draft it, you send it up, and it goes nowhere. How frustrating is that for you?

**Mr. Rick Brady:** Quite frustrating, but I also take the attitude, as I have through my career as an investigator, that my job is to investigate, to report, and then it’s up to someone else to decide how we’re going to deal with it—somewhat different than when I was a police officer, when I could actually lay charges if I found an offence.

Certainly, we try not to become overly frustrated in our work, because my staff and I can’t become frustrated because we believe in what we’re doing. We believe it’s very important and we believe we have to put it on record as to what we’re finding.

**Mr. Frank Klees:** Mr. Brady, I want to just tell you that we share your frustration and we know that you’re on the front line and there are many front-line workers who want to do the job. What we are seeing, unfortunately, is political interference in a process that should work to the benefit of patients, to the benefit of our air ambulance service. That was just one example, and a very recent example. This was recent. This wasn’t under the old performance agreement; it wasn’t under the old legislation. This is now, under new executive direction and a new board, and they’re still not doing their job. When you want to bring them to task, somebody higher up in the executive suites is saying, “No, no. Don’t do that because that might be embarrassing to us.”

I just want to thank you for the work that you do on the front lines. We’re hopeful that this process will lead to some steps that can restore confidence not only in our air ambulance service but would also empower you for the work that you do. Thank you.

**Mr. Rick Brady:** Thank you, sir.

**The Chair (Mr. Norm Miller):** Thank you. We’ll move to the NDP. Ms. Gélinas.

**M<sup>me</sup> France Gélinas:** Before I start with my line of questioning, I want to finish where Mr. Klees just ended. Back in 2007, you’re starting to see more requests for investigations; you’re starting to do more investigations; putting those reports up to your director and your supervisor. You just answered to Mr. Klees that you were told, “We’re having meetings; things will change”—I’m hoping, for the better. Who were those people telling you that?

**Mr. Rick Brady:** Again, that would be my senior manager, Dennis Brown, because he had the most contact with Ornge. I would meet with him, talk about reports, sometimes talk about the frustrations we were finding, but again, it was left to him to deal with.

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**M<sup>me</sup> France Gélinas:** Do you know if he shared your frustration, and is there a chance that he also shared it up to his supervisors, that, “Listen, we’re doing investigations here, and we’re finding issues. We’d like to see change but change is not forthcoming fast enough”?

**Mr. Rick Brady:** I can’t say for sure that he did that because he never told me. Having worked for Dennis for quite a few years, I wouldn’t doubt that he would have had some sort of discussions. But, to be honest, I certainly can’t say he did.

**M<sup>me</sup> France Gélinas:** And who was Dennis’s supervisor at the time?

**Mr. Rick Brady:** That would be Malcolm Bates, the director.

**M<sup>me</sup> France Gélinas:** That was Malcolm. Okay.

I want to take it back to—you helped draft two orders.

**Mr. Rick Brady:** Yes.

**M<sup>me</sup> France Gélinas:** Can you share with us what those two orders were about?

**Mr. Rick Brady:** There are so many Ornge files that—I’m sure one of them had to do with staffing, the fact that they were not having two paramedics on board the helicopters, and the other, I believe, was they were not compliant with the Ontario ambulance documentation standards. That’s a legislated standard that all ambulance services are required to adhere to. I’m pretty sure that was the second order.

**M<sup>me</sup> France Gélinas:** So when we hear from Ornge through their budget process that they are maintaining the staffing level that they had before, do we have reason to worry? If we see that they don’t always staff at two paramedics per helicopter and they’re now telling us that the staffing pattern will stay the same and the budget will stay the same, is there a chance that there will be no changes for the better?

**Mr. Rick Brady:** I certainly can’t speak to that. I can tell you that, from a patient-care point of view, especially for critical patients, that for one critical care paramedic to be working on their own is not ideal for the patient, and if they aren’t staffed to a critical care level, if they’re advanced care or primary care, there’s an issue for the patient.

There’s also an issue for sending facilities. The majority of the work that Ornge does are inter-facility critical care transports. So to send a lower level of care, in many cases the hospital would then be required to send a medical escort. Why they are not staffing at the same level that they did when the system was turned over to them—I would be questioning, if I was working at Ornge, “Why am I losing staff?” or, “Why are staff not working?” and figure out what’s going on.

**M<sup>me</sup> France Gélinas:** Okay. So through the investigations that you have done over the years and the

benefit of having been there and done quite a few—700, I think you said; that's a lot of investigations. The staffing level that was there before Ornge was put into place was certainly not bringing the type of complaints that you are investigating now. Some of them were because they were staffing with two critical care paramedics and this is not the case now?

**Mr. Rick Brady:** Correct. I'd like to say that some of the most serious investigations that we did back when the ministry was in direct oversight were complaints like, "My mother was on the aircraft sitting on the tarmac for three hours. It was cold and there was no heat." We never—very seldom—had any patient care investigations. Certainly, when the ministry had the direct oversight, if there were not two paramedics on board a helicopter, then the provider had to pay for that; there was a clawback that we would get. They wouldn't allow—and certainly the base hospital as it existed then would be furious if one of these helicopters was single-staffed. Now it seems—

**M<sup>me</sup> France Gélinas:** Because you end up having to send one of your nurses to Hamilton, and she sits there for the weekend before you get her back. That never makes a hospital executive very happy.

**Mr. Rick Brady:** No, and it's not very fair to the nurse either.

**M<sup>me</sup> France Gélinas:** No.

There's an entire section in the Auditor General's report that deals with complaint investigations. The Auditor General is here, and I'm just quoting from his report. He said the following about the ministry investigation process: "However"—because I'm quoting from a sentence—"in October 2010," the Ministry of Health and Long-Term Care "stopped recommending ways for Ornge to address issues, stating that such decisions were Ornge's responsibility."

Do you have any more information as to why this decision was made? Why did we change this process in 2010?

**Mr. Rick Brady:** It's not just Ornge. We don't make recommendations for any service anymore. It was a blanket direction to stop making recommendations, although we're now making recommendations again for Ornge. I have been told that we are to do recommendations.

Why it changed? I asked that. I was told that our reports are written in such a way that anyone can read it and determine, "I know exactly what went wrong, and I know exactly what needs fixing."

I was told that because of the maturity of the service now—because land was turned over to the municipalities in 2000. My senior manager felt that everyone now is mature enough to be able to figure out how to fix it.

Instead of specific recommendations, what we're saying now in our cover letter that goes out is that the service that's receiving this report has 10 days to notify either the field office, if it's a land service, or Mr. Nishman, if it's the air service—"What is your plan to address the issues that we've identified in the report?"—then, in 40 days, advise the ministry that you've

successfully completed that plan. So there aren't specific recommendations, but there's still an onus on the service to read the report and fix the issues.

**M<sup>me</sup> France Gélinas:** Okay, except that now, for Ornge, you will be making recommendations—

**Mr. Rick Brady:** Specific recommendations, yes.

**M<sup>me</sup> France Gélinas:** Do the 10 days and 40 days stay in place anyway?

**Mr. Rick Brady:** Yes.

**M<sup>me</sup> France Gélinas:** They do. Okay.

The auditor went on to say that he had previously recommended in his 2005 land ambulance audit that the ministry determine a process for ensuring that it receives information on the nature and resolution of serious complaints. Mr. McCarter went on to note that this did not happen. Was any work ever done to implement this recommendation from the 2005 review of the land ambulance audit?

**Mr. Rick Brady:** I can't answer that question. I know certainly not from my department, but whether anyone else in the branch may have done something, I don't know.

**M<sup>me</sup> France Gélinas:** You don't know?

**Mr. Rick Brady:** No.

**M<sup>me</sup> France Gélinas:** Okay. The ministry also said that it was doing unannounced inspections, but from what you've just said, inspection is separated from investigation.

**Mr. Rick Brady:** Correct.

**M<sup>me</sup> France Gélinas:** Okay, so do you happen to know if they did do unannounced inspections?

**Mr. Rick Brady:** I can't say for sure, no. I know they're doing some now, because one issue was reported to me by an unannounced inspection that turned into an investigation. But their previous—I don't know; we don't have that kind of communication.

**M<sup>me</sup> France Gélinas:** Okay, I understand. You explained that today anyway.

You are, though, responsible to receive complaints from the dispatch functions of Ornge?

**Mr. Rick Brady:** Any complaint relating to Ornge is now supposed to be reported to the ministry.

**M<sup>me</sup> France Gélinas:** Okay. And before?

**Mr. Rick Brady:** Even the land ambulance services don't have to notify the ministry, so although the minister has the power to investigate complaints, there's nothing in the legislation that says the ministry has to be notified.

Certainly we have an excellent working relationship with the land services. They don't hesitate to pick up the phone and call me to let me know, "We've got a serious issue that we're looking into." Sometimes they'll ask us to the investigation. Sometimes they'll say, "Can we do a joint investigation?" Other times, they want to do the investigation but have one of my people oversee it. So that relationship with the land services is excellent.

A lot of complaints that come into land services have to deal with the attitude of the paramedics, which again, there's a legislated standard that deals with attitude. But they're very competent and very good about conducting

investigations, and we've run training courses for the municipalities on how to run investigations.

**M<sup>me</sup> France Gélinas:** Okay. So, as the number of complaints that you had to investigate with Ornge increased, did you receive many of them directly from Ornge?

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**Mr. Rick Brady:** No, a lot of them came in either through one of the dispatch centres, our provincial dispatch centres that have had interactions with Ornge; quite a few came in from the land ambulance services that had issues with Ornge. Certainly, starting in late 2011 when Mr. Donovan's articles started to appear in the Star, that suddenly brought on an onset of investigations, plus some of the things he was reporting were sufficient that I'd read it and go, "We'd better look into this."

**M<sup>me</sup> France Gélinas:** Okay, so those were all legitimate complaints that you were allowed to investigate?

**Mr. Rick Brady:** Oh, yes.

**M<sup>me</sup> France Gélinas:** So before December 2011, did you used to have contact with people at Ornge?

**Mr. Rick Brady:** As far as doing investigations? Yes, we'd always notify them. We'd notify services that we were doing an investigation.

**M<sup>me</sup> France Gélinas:** Who would you notify?

**Mr. Rick Brady:** It has been changing, because there seems to be a lot of staff going through. It was the vice-president of operations, Steve Farquhar, and then they got an executive vice-president of operations, so I'd start to let him know, and now it has moved to the vice-president of clinical affairs; I'm not sure why an ambulance service needs clinical affairs. So I notify her, as well as the vice-president, because we need them to provide us with copies of their audio, their dispatch records, the ambulance call reports, so that we can start our investigation.

**M<sup>me</sup> France Gélinas:** So from, let's say, 2007 to mid-2011, before all of this, how would you describe your relationship with Ornge? If you needed a copy of their audio or you needed a copy of their report or anything of the sort, how were they with you?

**Mr. Rick Brady:** Oh, fine.

**M<sup>me</sup> France Gélinas:** Everything went fine?

**Mr. Rick Brady:** Yes.

**M<sup>me</sup> France Gélinas:** At every level?

**Mr. Rick Brady:** Well, certainly as far as providing information, making staff available for interviews and such, they've always been very co-operative that way. Of late, it has been a little bit more difficult, but I think it's because there's an onslaught of requests that are being made to them. But they certainly are more than willing to co-operate with us.

**M<sup>me</sup> France Gélinas:** And that had always been the case?

**Mr. Rick Brady:** Yes. We've never had that problem.

**M<sup>me</sup> France Gélinas:** And right now it's really a case because the volume has increased exponentially?

**Mr. Rick Brady:** Yes.

**M<sup>me</sup> France Gélinas:** And then the time constraints. I want to come back to—you're in doing your job, the number of complaints increases, you're starting to see trends, you said. What kind of trends did you see?

**Mr. Rick Brady:** As I indicated, problems with staffing, problems with their launch policies, problems with the ability to do patient care. Those were sort of the main trends that we saw going on.

**M<sup>me</sup> France Gélinas:** And you shared those trends with Dennis Brown?

**Mr. Rick Brady:** Well, certainly in the reports it would have been pointed out that, as an example, single-staff air ambulance—the legislation, although it doesn't speak specifically to critical care paramedics, does speak to the fact that an ambulance which transports a patient is to be staffed by two paramedics. So the legislation is there to say that you're supposed to have two paramedics on board.

**M<sup>me</sup> France Gélinas:** And the same thing with—let's say we talk about the launching policy. When was the first time you remember thinking, "We're seeing a trend here. There's an issue. It's more than just a one-off?" When would you say that started?

**Mr. Rick Brady:** Well, when I was first notified that they were changing this launch policy and the reasons behind it, I did write a memorandum—at that point, Dennis had left, so it was now to my new senior manager—indicating that I didn't believe that we should be endorsing this change. I didn't believe that they had provided the ministry with appropriate data to be able to say why they should be doing this, and I pointed out that I believed that this would be something that was not going to work. Of course, the ministry didn't approve it; they simply indicated, "Well, okay, that's your policy. Off you go."

**M<sup>me</sup> France Gélinas:** So you wrote this memo.

**Mr. Rick Brady:** Yes.

**M<sup>me</sup> France Gélinas:** Who did you write this memo to?

**Mr. Rick Brady:** To my senior manager, Tony Campeau.

**M<sup>me</sup> France Gélinas:** To Tony Campeau. And did you receive any feedback? Did he agree with you? Did you think you were out of line or anything like that?

**Mr. Rick Brady:** I don't remember receiving any feedback and I was never told I was out of line.

**M<sup>me</sup> France Gélinas:** No news is good news or—

**Mr. Rick Brady:** Correct.

**M<sup>me</sup> France Gélinas:** All right. Is this something you did often, write a memo about having basically serious doubts about a change in policy, or was this really something serious enough that you decided to do something that was sort of out of the ordinary?

**Mr. Rick Brady:** I felt it was serious enough. It was a big change in the methodology of delivering air ambulance service. And as I say, I didn't believe the numbers that were being provided. If memory serves, it was supposedly directly the fault of the Auditor General, who had said in one of his previous reports that there were too

many cancelled calls, which is costing a lot of money. So Ornge used that to say they had something like 3,000 cancelled on-scene requests, where they only do 7,000 air ambulance flights a year, approximately. I think it's less than a third are on-scene requests; 3,000 didn't add up.

**M<sup>me</sup> France Gélinas:** Didn't add up, no.

**Mr. Rick Brady:** I'm quite willing, and was quite willing, to sit with somebody to say, "Okay, what is your issue? How do we correct it? Is our air ambulance utilization standard impacting you negatively that we can talk about?" But it was just their blanket decision to do it. I said, "Well, I'm going to write my memo with my opinion."

**M<sup>me</sup> France Gélinas:** So at this point, what year are we in when you did that?

**Mr. Rick Brady:** I can't remember when they changed the launch policy, if it was 2010 or 2011.

**M<sup>me</sup> France Gélinas:** I think it's 2010 also, but we have it some place. I'll check.

So by that point, basically, Ornge makes this decision and shares the decision with the ministry. You have concerns enough to write a memo, saying, "I have concerns with this." But nothing goes back to Ornge in the way of, "Could we discuss this, can we look into this together? You need to be accountable to us as to the changes you're doing."

**Mr. Rick Brady:** If that occurred, I don't know about it, so I can't say it did or didn't.

**M<sup>me</sup> France Gélinas:** But they never came back to you to say, "Okay, we're ready to discuss that"—

**Mr. Rick Brady:** Certainly not with me, no, ma'am.

**M<sup>me</sup> France Gélinas:** And you never heard after you sent your memo—did you only send it to your supervisor or did you send it wider?

**Mr. Rick Brady:** It may have been copied to Mr. Nishman.

**M<sup>me</sup> France Gélinas:** Mister who?

**Mr. Rick Brady:** Nishman. He's sort of like the field manager who looks after Ornge. I don't think it was sent to anyone else.

**M<sup>me</sup> France Gélinas:** Okay. To your supervisor, and then you said that you never heard back.

**Mr. Rick Brady:** Correct.

**M<sup>me</sup> France Gélinas:** My colleague has a few questions before it comes back.

**Mr. Jagmeet Singh:** On page 2 of your actual opening remarks, you indicated, and you also read it out, that one of your tasks or one of the things that you are tasked with doing is that you are "required to identify possible or actual areas of individual or systemic breaches of legislation."

So what I want to ask you about is what you can do or what powers you have to identify possible systemic breaches of legislation and how that would apply, for example, to something like Ornge. It's not a direct complaint, it's something—the way I'm reading that or understanding that, and you can correct me if I'm wrong, there's a bit of a proactive element to investigations, that you can look at or identify areas where there could be a

breach, and if it's a systemic breach even more so. Am I reading that right?

**Mr. Rick Brady:** Basically, and again our reports would indicate that, as an example, documentation was not completed in accordance with the legislative standard; therefore, there was a contravention.

**Mr. Jagmeet Singh:** Sure.

**Mr. Rick Brady:** Same as if there's a patient care issue. We point out in the reports: Has there been a contravention?

**Mr. Jagmeet Singh:** Sure. Now, in terms of Ornge, had there been any sort of identification of systemic breaches in the legislation in the time period, perhaps, from, let's say, 2008 to 2011?

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**Mr. Rick Brady:** Again, staffing issues would have been pointed out, and documentation issues would have been pointed out. Once we knew about the problem with the interior of the aircraft, the AW139, that was pointed out in quite a number of reports: that, because they were unable to perform patient care in accordance with the legislated standards, they're in contravention of the standards.

**Mr. Jagmeet Singh:** Let's just start with staffing, would there have been any of the systemic breaches that you noticed or that you identified—when would be the first time that you identified it with Ornge?

**Mr. Rick Brady:** The first time? That's very difficult to answer, only because—

**Mr. Jagmeet Singh:** Roughly; maybe the year.

**Mr. Rick Brady:** A year, year and a half, maybe—

**Mr. Jagmeet Singh:** A year to a year and a half ago?

**Mr. Rick Brady:** I can't say 100%, but certainly within the last year there has been the problem with the staffing.

**Mr. Jagmeet Singh:** Before the issues hit the newspapers, before Ornge became on the front page of the Toronto Star, before that, was there—

**Mr. Rick Brady:** There were some issues where they weren't staffing appropriately.

**Mr. Jagmeet Singh:** Is there a way for us to confirm that? If you perhaps have some documentation and/or if you have a log of that, perhaps.

**Mr. Rick Brady:** I don't know. We don't keep—even our database is not indicating what was found. It would be very difficult. I'd have to try to get someone to sit down and go through all the investigation reports again, which would be very time-consuming.

**Mr. Jagmeet Singh:** It would, eh? We might have to request that, because if there was any indication that Ornge had had some staffing issues well before the scandal broke, that might be very interesting to this committee.

Documentation issues, as well: Do you know, roughly, what year that would have occurred that there were some documentation breaches?

**Mr. Rick Brady:** That became more evident of late, because one of the issues that I've had is—again, for an ambulance service and their staff, there are specific

requirements when an incident report is required. Certain incident reports must be forwarded to the ministry. In quite a few cases, we started to find that some incident that we're looking at met the criteria for an incident report, and it was never provided.

**Mr. Jagmeet Singh:** Previously, do you have a log of the complaints that you received, if any, regarding Ornge's patient care or any complaints, from 2008 or even earlier, to 2011?

**Mr. Rick Brady:** As far as patient care, as I say, we've never really had any serious investigations of Ornge paramedics in regard to whether they were or were not meeting the standard. They've always met the standard with whatever they can work with. So if they're having issues, like the CPR issue or patients with difficulty breathing on the AW139, that's not paramedics' fault. We can't fault them if the equipment they are given doesn't allow them to do their job.

**Mr. Jagmeet Singh:** What about complaints in general? Did you receive any complaints about Ornge just generally that made it to your branch?

**Mr. Rick Brady:** We have received complaints.

**Mr. Jagmeet Singh:** Pardon me?

**Mr. Rick Brady:** We have, yes.

**Mr. Jagmeet Singh:** And when and how often, roughly?

**Mr. Rick Brady:** Over the years, we've received maybe 15 or 20 complaints about Ornge. They could come in, again, from the land ambulance service. They could be coming in from a dispatch centre—

**Mr. Jagmeet Singh:** Would you be able to table those complaints, whatever they were?

**Mr. Rick Brady:** The complaints or the investigations?

**Mr. Jagmeet Singh:** I guess both, really. A summary of the nature of the complaint. Maybe there was a civilian complaint about staffing or a civilian complaint about some other patient care issue.

**Mr. Rick Brady:** Again, when we open an investigation we would look at what the complaint is about. Is it about patient care; is it about the air ambulance response; is it about the quality of dispatch? So to actually go back in, we'd have to go into the files to determine the specifics of the complaint.

**Mr. Jagmeet Singh:** And that's similar to what Mr. Klees had already asked you.

**M<sup>me</sup> France Gélinas:** Just before we run out of time, this issue that recently you wrote two orders, one having to do with staffing, the other one having to do with documentation standards: As good as your memory could recall, how often does it happen that you write orders?

**Mr. Rick Brady:** It's not that often. Again, our relationship with land ambulance services is such that when they receive one of our reports—

**M<sup>me</sup> France Gélinas:** They jump?

**Mr. Rick Brady:** —they're quite willing to make corrections and make changes. It has occurred a couple of times in the past where we have said to a service, "We're looking towards going the route of a director's order,

because you're not complying." That really gets their attention.

**M<sup>me</sup> France Gélinas:** So just saying that an order is coming is enough to get them to jump?

**Mr. Rick Brady:** Enough for them to come and sit around the table and find out, "Okay, what is it that we're not doing correctly? What's got you ticked and how do we fix it?"

**M<sup>me</sup> France Gélinas:** So how come in this particular circumstance you're ready to write two orders that never make it to Ornge? What happened? How come? Basically, if the threat of an order gets you results like you've just described to me—I fully believe that this is exactly what happens—how come this time we didn't use those levers to get the kind of changes that are needed?

**Mr. Rick Brady:** I can't answer that question. It certainly was not my decision.

**M<sup>me</sup> France Gélinas:** But it is rather unusual, because in the past, if you had a dialogue about putting an order forward, it basically got action. This time, who do you figure in the hierarchy above you has the right to say, "Don't issue that order"?

**Mr. Rick Brady:** Well, in the hierarchy above me it could be my senior manager that doesn't want the order issued. It could be the director that doesn't want the order issued. It could be whoever the director reports to. Again, I was asked to help draft the orders and—

**M<sup>me</sup> France Gélinas:** Who asked you to do that?

**Mr. Rick Brady:** My director. And then the orders themselves were finalized by someone at the branch who probably writes them a little bit better, and then that's the last I heard. I'd asked, "Are we issuing the orders?" and was told, "No, we're not." I didn't really ask a lot of questions because I wasn't happy about it, and I thought if I asked too many questions I might get really mad and I might say something I shouldn't say.

**M<sup>me</sup> France Gélinas:** But what a waste of time and what a waste of an opportunity to motivate change, because you really saw it as an opportunity to effect serious change in—

**Mr. Rick Brady:** I believed it was very necessary to have the orders issued, yes.

**M<sup>me</sup> France Gélinas:** And somebody above you—

**Mr. Rick Brady:** Some decision was made.

**M<sup>me</sup> France Gélinas:** And nobody has come forward and said, "It was my decision and here is why," and put forward a valid reason as to why we should not?

**Mr. Rick Brady:** No.

**M<sup>me</sup> France Gélinas:** In your long experience with the ministry in your job, has it ever happened before that the need to issue an order gets squashed down from above?

**Mr. Rick Brady:** Not squashed. There have been instances where the director or my senior manager may think, "Do we really need to go this route?"—

**M<sup>me</sup> France Gélinas:** Scaring them would be enough.

**Mr. Rick Brady:** —and, "We can dialogue about it," as I say, simply the mere letting the service know, and again, that would usually be from the senior manager's

position, that, “We have evidence here that looks like we could be issuing an order. Let’s talk about it.”

**M<sup>me</sup> France Gélinas:** And did you know if that conversation took place with—

**Mr. Rick Brady:** Yes, I was party to some of those conversations where the director of EMS and their superiors came in and we sat and talked and we presented them with the evidence and obtained from them a commitment to change and fix.

**M<sup>me</sup> France Gélinas:** And did a similar process take place this time with Ornge?

**Mr. Rick Brady:** I don’t know. I certainly wasn’t party to any meetings with them about it, no.

**M<sup>me</sup> France Gélinas:** So no follow-up was done.

**The Chair (Mr. Norm Miller):** You have two minutes left.

**M<sup>me</sup> France Gélinas:** Go ahead.

**Mr. Jagmeet Singh:** Who would know if it happened with Ornge, this type of sit-down? If the order wasn’t actually issued—and you know it wasn’t issued—who would know if a sit-down took place, similar to what you described, that, “Listen, we’re about to issue an order, but if you come back into compliance, then we won’t issue it”?

**Mr. Rick Brady:** I would presume that my director and senior manager would know if such a discussion took place or what occurred in and around the orders.

**M<sup>me</sup> France Gélinas:** And those people are?

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**Mr. Rick Brady:** Malcolm Bates, and then Tony Campeau is my senior manager.

**M<sup>me</sup> France Gélinas:** Okay.

**The Chair (Mr. Norm Miller):** And we are pretty much out of time, so if we could move to the government. Who would like to ask questions in the government?

**Mrs. Liz Sandals:** Yes, thank you very much.

**The Chair (Mr. Norm Miller):** Ms. Sandals.

**Mrs. Liz Sandals:** How do you do, and thank you very much for coming. You’re now the manager of the investigations unit.

**Mr. Rick Brady:** Correct.

**Mrs. Liz Sandals:** And how long have you been in that position?

**Mr. Rick Brady:** I became manager in August 2003.

**Mrs. Liz Sandals:** So you have some experience there now.

**Mr. Rick Brady:** A couple of years.

**Mrs. Liz Sandals:** What did you do before that?

**Mr. Rick Brady:** I was an investigator. I was appointed as an investigator—I’m still an investigator—in 2000. When I joined the ministry in 1997, I started off in dispatch. That was 1997. In 2000—

**Mrs. Liz Sandals:** Now did I understand you to say that at some point you had been with a police service prior to that?

**Mr. Rick Brady:** Yes. I was a uniformed member of the Ontario Provincial Police for 10 years.

**Mrs. Liz Sandals:** Okay. So that’s where you learned your investigative skills—

**Mr. Rick Brady:** It started there. Then, when I left the OPP, it was 10 years as a private investigator and worked for defence counsel.

**Mrs. Liz Sandals:** So you’ve had quite a variety of different sorts of investigative experiences—

**Mr. Rick Brady:** A few.

**Mrs. Liz Sandals:** —in settings where you’ve practised your investigative skills.

As manager, what are your particular responsibilities? Can you give us an idea, as manager of the investigation unit?

**Mr. Rick Brady:** Overall, the complaints will come in to me from various sources. I will dialogue with the complainant. First determine how serious it appears on paper or in discussions with the complainant and at that point make a determination, is the ministry going to investigate? Are we going to have land service investigate? Whatever makes the complainant happy—obviously, if the complainant doesn’t want the land service to investigate, we will.

My job is then to start gathering the background materials for an investigator. Once all those materials are in—except lately we have a giant backlog of unassigned investigations—the first investigator who comes in the door to turn something in, it’s like, “It’s your lucky day. You just got another file.”

I just tell them the basics of the complaint. I don’t tell them what I expect from them. I don’t tell them what route you should go, what answers you should get. It’s just, “This is a patient-care complaint.” But we look at the entire call, too. If it’s a patient-care complaint, we also investigate the dispatch side of things, because anything could have gone wrong in a call. Then the investigator is assigned. They review all the materials they’ve been given, and they can determine on paper, “Who do I have to speak to? Who do I have to take interview statements from?” Then off they go.

**Mrs. Liz Sandals:** So if you’re the initial gatherer of information and documents, what documents, if it’s air ambulance, would you routinely collect?

**Mr. Rick Brady:** It would be the same for land or air.

**Mrs. Liz Sandals:** Okay.

**Mr. Rick Brady:** We would get all the dispatch information, so all the audio, the computer dispatch records, any incident reports, or reports that a communicator may have completed because of the call. We’d ask for the ambulance call report, any incident reports that the paramedics may have completed—

**Mrs. Liz Sandals:** When would a paramedic complete an incident report? What would trigger that?

**Mr. Rick Brady:** The legislation is very clear as to when they have to complete an incident report. It’s the Ontario ambulance documentation standards. Part 3 is incident reporting, and there’s a section—

**Mrs. Liz Sandals:** So for those of us who don’t know—

**Mr. Rick Brady:** Put it down as a really unusual occurrence, so, is there a long delay in response? Is there a problem accessing a patient? Has there been an equipment failure that could negatively impact a patient? Did something happen that you harmed the patient, or did something happen that you might have harmed the patient? Those types of things—

**Mrs. Liz Sandals:** But given that you're dealing with critically ill or injured patients, these are incidents that have to do with the smooth flow of the service as opposed to the patient has passed away, because in some cases that's not unpredictable.

**Mr. Rick Brady:** Well, in some cases, it is predictable.

**Mrs. Liz Sandals:** Yes, or it is predictable.

**Mr. Rick Brady:** Unfortunately, in the field of paramedicine, patients do die—best efforts to save them—but that would not necessarily trigger an investigation.

**Mrs. Liz Sandals:** Because that may be a reasonably expected outcome. So, the incidents are related to things going in an unexpected flow.

**Mr. Rick Brady:** Correct.

**Mrs. Liz Sandals:** Okay. Now, if you've got air ambulance, and air and land are both involved, or you've got hospital and air or however these things interrelate, because you're often dealing with transfers from one to another, do you collect all the records from the hospital or all the records from the land ambulance side of the incidents?

**Mr. Rick Brady:** If land ambulance is involved in an investigation, then, yes, we collect from them as well. If the investigator needs to know how the patient presented either prior to being turned over to the paramedics or how the patient presented when the paramedics turned them over, then we will make a request to the hospital. We use what we call a PHIPA letter. Because we're conducting an investigation that may result in a law enforcement proceeding, we have the authority to ask them to turn the records over.

**Mrs. Liz Sandals:** If you do go as far as having to access the hospital records—that's an asterisk in the PHIPA, if I can put it that way, that you're authorized to have access to that record. It's not something that can be casually obtained.

**Mr. Rick Brady:** Oh, absolutely not.

**Mrs. Liz Sandals:** That's very unusual that you would get access to it. It's because you are authorized to do an investigation.

**Mr. Rick Brady:** We always, when we're going to a hospital to ask for assistance, touch base with the chief executive officer of the hospital first. The investigator lets them know that we are not investigating the hospital, which calms them down immediately—

**Mrs. Liz Sandals:** I'm sure it does.

**Mr. Rick Brady:** We'd limit to—we don't want the entire patient chart, because it's not really our purview to go over it; we just want to know, "How did the patient present when the paramedics delivered the patient to you?", and/or, "What did you find just prior to delivering

the patient?" It's the same as: We'll go in and interview nurses and doctors, with the co-operation of the hospital, to be able to get an understanding of what kind of interaction was going on and what were the expectations.

**Mrs. Liz Sandals:** Again, that testimony from medical personnel in the hospital would be PHIPA-protected—the information that you're exchanging in that interview. Is that correct?

**Mr. Rick Brady:** Absolutely. Our reports and all of the materials that we gather are officially part of the patient's health record. Our entire file is protected by PHIPA. Again, if someone wants a copy of our report, they have to have the legislated authority to ask for it. For example, your husband couldn't call me and say, "You did an investigation, and it's my wife." I'd say, "Ask Mrs. Sandals to send me a clearance to release. Otherwise, I'm not giving it to you." So we are very careful about our documents.

**Mrs. Liz Sandals:** Having a patient release if you're going to release that patient's medical records.

**Mr. Rick Brady:** Or the executor's release or something; absolutely, yes.

**Mrs. Liz Sandals:** Just to confirm, because the committee has asked for, I think, all the investigation records related to Ornge: Within that record, there would be a lot of information which is clearly a health record for the purposes of PHIPA.

**Mr. Rick Brady:** The majority of the documents in the files would contain personal health information; absolutely.

**Mrs. Liz Sandals:** And you would not normally release that except under authorization of the patient or some other authorized investigative unit that's enumerated in PHIPA?

**Mr. Rick Brady:** Oh, absolutely. For the coroner, they certainly have the authority, under their act, to seize anything they want, but I have to get something from them, either verbally or in writing, that they're invoking section 16 of their authority. If it's another law enforcement agency, say the Ministry of Labour, who needs information, they would have to issue an order under their legislation. If they issue an order, we have to release. In other situations—say, the police want something—we'll carefully review what it is they're after and why they want it before we just—

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**Mrs. Liz Sandals:** So even if the police made a request for some of the information that you have in your investigation records, you might refuse that information to the police unless they clearly have very—

**Mr. Rick Brady:** Satisfy—

**Mrs. Liz Sandals:** —high need to access that—

**Mr. Rick Brady:** Correct.

**Mrs. Liz Sandals:** —because, again, it's a personal health record.

**Mr. Rick Brady:** Correct.

**Mrs. Liz Sandals:** Okay. I think that's very helpful for us to understand.

It sounds to me like part of your job is that once you've collected this information you need to take a great deal of care in protecting that information because of the nature of it being a personal health record.

**Mr. Rick Brady:** All of our investigative files are maintained under lock and key. The investigators, obviously on active files, will have the files with them, but certainly, because of the motion that this committee made to obtain information, it was my staff and only my staff that pulled the initial investigations and made the first set of copies because I didn't want anyone going into them. Some cases, you never know—it's all evidence and it's all patient information. And if something was going to go missing, I'd rather get heck to my staff than to figure out who has got into the files. They did that over a three-day time period and then turned the materials over to someone else in the branch to make the other copies.

**Mrs. Liz Sandals:** So your investigators actually spent a number of days copying the information for other people—

**Mr. Rick Brady:** They did three days. I had to pull them off the road for three days to do the request—our part of it.

**Mrs. Liz Sandals:** Thank you for sharing that, because I think it's important that we know we've got some downstream consequences in the seriousness of what we've asked for.

Then I presume that the next step would have been to the legal branch at the Ministry of Health or they—

**Mr. Rick Brady:** Again, because you are the Legislature—

**Mrs. Liz Sandals:** Yes.

**Mr. Rick Brady:** —it's one of those things that you don't say no. It's the same as being invited to the committee. As I said when I was invited, "You expect me to say no?"

**Mrs. Liz Sandals:** You mean you didn't want to come and have tea with us?

**Mr. Rick Brady:** There's tea?

**Mrs. Liz Sandals:** It's okay. Don't answer that.

**Mr. Rick Brady:** I didn't get the tea.

**Mrs. Liz Sandals:** We could come up with coffee.

**Mr. Rick Brady:** No, it's a very arduous task. There are now five people who are doing nothing except getting the materials ready to try and turn over to the committee. So that's five staff members at the branch who aren't being able to do their regular duties that are 7.25 hours a day, five days a week—

**Mrs. Liz Sandals:** Wow.

**Mr. Rick Brady:** —working to get these materials to you.

**Mrs. Liz Sandals:** Thank you for that information. I understand from what you're going to say that this is going on for weeks now.

**Mr. Rick Brady:** It's going on for weeks because they are redacting—

**Mrs. Liz Sandals:** Because they're personal—

**Mr. Rick Brady:** Because it's personal information. Two of the staff members who are doing the audio re-

ducting, I think we'll probably have to send them away for a long vacation because it's probably going to take them a couple of months.

**Mrs. Liz Sandals:** Wow. Just in terms of the audio records, how many hours of audio records would you end up with out of a typical air ambulance call? Maybe there isn't any such thing, but give us an idea of how many hours of audio you end up with.

**Mr. Rick Brady:** It would not be unusual, say, for the dispatch end of things, to have an hour to an hour and a half, because once a call begins, where they're booking the call and their patient information—so you could have an hour to an hour and a half. Then there'd be the land dispatch end of things, if they're involved in the call. One investigation we did, I think the dispatch manager has indicated that we're probably looking at three hours' worth of audio. Then there's when we do our interviews. All of our interviews are audio-recorded.

**Mrs. Liz Sandals:** When the base hospital is communicating with the paramedics, is that also all audio?

**Mr. Rick Brady:** That's all on audio, yes.

**Mrs. Liz Sandals:** So while they're in the air, you would have the constant communication between the base hospital and the paramedic—

**Mr. Rick Brady:** In many cases—

**Mrs. Liz Sandals:** —or intermittent communication—

**Mr. Rick Brady:** I was going to say, in many cases, with the air ambulance system, the paramedics will be getting their orders from the physician prior to making patient contact. Then once they're in the hospital, they'll likely contact the physician again to either change the orders or get new orders. Then, if they have to, yes, in the air they would get a hold of the base hospital physician for further orders. All of that would be on audio.

**Mrs. Liz Sandals:** So you may have, actually, three or four different—by the time you get through dispatch and the land ambulance and possibly conversations between base hospital and air paramedics plus the interviewers, you may actually have four different sets of tapes—

**Mr. Rick Brady:** Oh, easily.

**Mrs. Liz Sandals:** —from one investigation that would amount to hours—

**Mr. Rick Brady:** From the investigations that we've pulled to comply with your motion, there are 468 separate audio files.

**Mrs. Liz Sandals:** Wow. And the average length of those?

**Mr. Rick Brady:** I haven't asked the two folks who were doing the redacting, but I'm thinking the average is 45 minutes to an hour, and it's taking them about three hours to redact 10 minutes worth of stuff.

**Mrs. Liz Sandals:** Wow.

**Mr. Rick Brady:** Because they have to listen to it and make the determination, "If I'm going to exclude, why am I excluding this?" Because they have a list of criteria that the legislation permits them to do. Then they have to actually exclude it, re-record it as an excluded one, because you can't touch the original recording.

**Mrs. Liz Sandals:** Right.

**Mr. Rick Brady:** And then they go back to listen to it again to make sure, “Did I miss anything?” or “Did I take something out I shouldn’t have taken out?” and they have to put it back in again.

**Mrs. Liz Sandals:** So in order to produce a redacted audio record, it isn’t a case of transcribing and redacting, the legal definition of a redacted audio record is the actual redacted—in that anything that we shouldn’t hear is removed?

**Mr. Rick Brady:** Correct, and even if we thought, “Okay, let’s have them transcribe it. It’ll be faster,” no. A verbatim transcript—we don’t do them anymore. We used to. We won’t even do them for the coroner’s office because it’s easily 10 minutes of typing for one minute of audio. The audio quality may not be quite there. You have to listen to it again. You have to catch every “um,” “ah,” pause, giggle, laugh—it’s a time-consuming process.

**Mrs. Liz Sandals:** And I guess if there’s any issue around the sound quality not being clear, you’re then depending on the transcribing to make a decision about what it is that’s being heard as opposed to the raw material, which is what was picked up, and those could be two different things, which, I guess, from the coroner’s point of view, could be quite significant.

**Mr. Rick Brady:** It could be very significant, and it’s not unusual for us—sometimes the coroners will send us verbatim transcripts their staff have prepared, simply to say, “We don’t understand half of your terminology, so could you have one of your people listen to it?” Because every system has their own nomenclature, so that if we were to say something like “CACC,” some person who’s a court reporter wouldn’t know what “CACC” means if they fell over one.

**Mrs. Liz Sandals:** And it probably means something to you different from my son, who’s a trumpet player?

**Mr. Rick Brady:** More than likely; it’s probably even spelled differently.

**Mrs. Liz Sandals:** That could be.

Let’s talk about the number of investigations that you’ve been doing, particularly with respect to Ornge. You mentioned that you sensed that there was an increase in the number of investigations in 2007. Is that correct?

**Mr. Rick Brady:** Correct.

**Mrs. Liz Sandals:** What happened in 2007, do you think, that prompted that increase? Did you have a sense of the why?

**Mr. Rick Brady:** It was triggered, again, by—most of those complaints, and I’m only going on memory, would have been coming in from either one of the land dispatch systems or the municipal ambulances themselves who were finding issues with the delivery of air ambulance service that wasn’t what they were used to. We did get some from sending facilities—

**Mrs. Liz Sandals:** So were these jurisdictional disputes or disputes about when it should be land and when it should be air or—

**Mr. Rick Brady:** Well, again—

**Mrs. Liz Sandals:** —what was the nature, because when I think of complaints, I tend to think of patient complaints. I tend to think in terms of medical complaints, but I think what you’re describing is process or service delivery complaints. Is that fair?

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**Mr. Rick Brady:** Well, sometimes also the decisions that were being made by either the Ornge communications centre or Ornge paramedics. One of the things that we found, as an example, is that there is legislation that speaks to when to contact air ambulance, and there’s the field trauma triage guidelines, which permit the direct delivery of a patient from an on-scene, to bypass any local hospitals and go directly to a trauma centre. There seems to have been some disconnect between what the land paramedics believed they were seeing as far as a trauma. Ornge would arrive on scene and go, “No, they don’t meet the criteria. We’re not taking them.” So they would turn to us and say, “Okay, we need someone to come in and investigate. Were my land paramedics wrong or are they wrong?”

**Mrs. Liz Sandals:** So you were almost becoming the referee in a change in protocol.

**Mr. Rick Brady:** Not just the referee, but also whether everyone was following the rules. I can’t remember the specific case. I know the land service was not very happy with us, because they made their complaint. We found that it was the land service that had made the errors, not the air service. But as I tell them, if you’re going to make a complaint, we look at the entire call. We just don’t look at: “You’re blaming Ornge for something. We’re only going to look at Ornge”—no. We have to look at everybody’s involvement.

**Mrs. Liz Sandals:** Which is why the file is so big, in some cases, because you’re looking at potentially the hospital—or two hospitals, as the case may be—the land ambulance, maybe even two land ambulances, plus Ornge.

**Mr. Rick Brady:** There could be a giant cast of characters involved. In a multi-patient incident, we could have two or three ambulance services, land services, two of our dispatch centres, plus Ornge. That’s a lot of people involved. We also interview bystanders, so if firefighters were on the scene or police were on the scene, independent witnesses. Some investigations could take a very long time.

**Mrs. Liz Sandals:** So these investigations really become quite huge. Did you notice a change in either the nature of the complaints or the number of complaints as Ornge started to create these private entities? Is that something that you would have detected at your end?

**Mr. Rick Brady:** No.

**Mrs. Liz Sandals:** So it was really more the transition from the old ministry lead service to the Ornge lead service, rather than the transition from the simple non-profit to the complicated. That wasn’t so much what prompted it. It was the original transfer from the ministry to Ornge that sort of created the volume fluctuation?

**Mr. Rick Brady:** It's an interesting question. Certainly, whether or not these private companies and the energies that were being put into them took their focus away from their business of running an ambulance service, I can't say. It certainly wasn't something where I sat there and went, "This Ornge Peel must have something to do with why we're getting more complaints," because most of these companies I'd never heard of until it started coming out in the media, because it didn't impact us.

**Mrs. Liz Sandals:** And you're the same as most people. We just saw the Ornge helicopter flying by. We didn't see all those background companies with all the peculiar labels.

**Mr. Rick Brady:** Correct.

**Mrs. Liz Sandals:** I think you also made reference to there being a high volume of complaints now. Is that correct?

**Mr. Rick Brady:** Yes.

**Mrs. Liz Sandals:** Like, in the last six months. The complaints that you've received in the last six months, you're reflecting when you received the complaint. When are the actual incident dates on those complaints?

**Mr. Rick Brady:** There's two reasons we have more investigations at the moment. Again, the Auditor General pointed out in his report—I think it was 11 or 20 severe adverse events; I can't remember the number.

**Mr. Jim McCarter:** It was 20. We had 20, and we just mentioned that they'd been reported to the board of directors of Ornge, that we felt that they hadn't been reported to the ministry, and we felt there were some in there that should have been reported to the ministry.

**Mr. Rick Brady:** Correct. Absolutely. So that triggered my going to Ornge and saying, "What are these 20 severe adverse events that we've never heard about?" They sent me a pile of stuff that was way more than 20. So we had to review each and every one of these, and out of that, there are three—and they're from 2009—that I've opened investigation files on. I haven't assigned anyone to them yet because they're old. We did the same task for 2010-11. I said, "Okay, seeing as how we didn't know about them in that time period"—and again, I think they sent me 21 or 22. One of my staff went through all of them. Ten of those would warrant opening an investigation. So some of these are older matters, and I'm having to be judicious in triaging our investigations now.

Any one that has come in from a patient complaint—one of them, I think, is going back to 2010. Obviously, we'll be giving that priority to investigate. If it comes in from a hospital, that gets priority to investigate. But they're not all 2012 issues. I can't say for 100% sure right now how many are 2012 issues, but out of the 60-odd that we've opened this year, maybe half—

**Mrs. Liz Sandals:** Because 60 is a very high number.

**Mr. Rick Brady:** It's very high.

**Mrs. Liz Sandals:** That's way higher than any number that I've ever seen for the annual complaint load. A lot of that, then, you're saying, is really—Ornge knew about the complaint but hadn't forwarded it.

**Mr. Rick Brady:** In some cases, but in other cases, it's people who are coming forward now because they do realize—

**Mrs. Liz Sandals:** So is this also when there's media around how to complain that people then go, "Oh, I should complain"?

**Mr. Rick Brady:** It could be what's driving it.

**Mrs. Liz Sandals:** So some of the media familiarity with the story will increase complaints?

**Mr. Rick Brady:** That has occurred for a couple of the sending facilities that have contacted, going, "Yes, we did have an issue," and "Oh, my gosh, you people do investigate these things?" It's not like we're widely known outside of the EMS circles, but that has been prompting people to contact the ministry.

**The Chair (Mr. Norm Miller):** You have three minutes left.

**Mrs. Liz Sandals:** So you've got, then, a very large number of cases right now. You've got our request. I'm guessing that your staff is very stretched right now.

**Mr. Rick Brady:** Incredibly, and it's also holiday season, and I'm loath to tell them, "No, you can't have your vacation," because they well deserve it. I mean, December and January were very stressful because we only had five of us. I now have two more investigators who have been added, but they're in training. Although they come from the EMS system, you still have to learn to be an investigator. So they're assigned to work with one of the other investigators as their mentor.

**Mrs. Liz Sandals:** So it will take a while for them to—

**Mr. Rick Brady:** Get up to speed.

**Mrs. Liz Sandals:** Just before we finish, I wanted to ask one question, because you have referenced that you turn materials over to the coroner's office. The coroner recently made a statement a few weeks ago. The coroner stated that in the cases that had been turned over to him, he had concluded there was no evidence that air ambulance issues materially affected the outcome of the case.

Mr. Klees had been quite critical of the coroner. I think in the House he said he was being political. Do you find that the coroner's office is at all political in their evaluation of cases?

**Mr. Rick Brady:** I've never known them to be. I've worked very closely with the chief coroner, the two deputies, regional coroners. I've never found them to be politically motivated.

**Mrs. Liz Sandals:** Thank you very much. We're pleased that you felt compelled to come and see us this afternoon.

**Mr. Rick Brady:** You're welcome.

**Mrs. Liz Sandals:** Thank you.

**The Chair (Mr. Norm Miller):** Thank you very much for coming before the committee this afternoon.

**Mr. Rick Brady:** Thank you, sir.

**The Chair (Mr. Norm Miller):** The committee is adjourned until July 18 at 9 a.m.

*The committee adjourned at 1559.*







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