



ISSN 1180-4327

**Legislative Assembly
of Ontario**

Second Session, 40th Parliament

**Assemblée législative
de l'Ontario**

Deuxième session, 40^e législature

**Official Report
of Debates
(Hansard)**

Wednesday 8 May 2013

**Journal
des débats
(Hansard)**

Mercredi 8 mai 2013

**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

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



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

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON PUBLIC ACCOUNTS

COMITÉ PERMANENT DES COMPTES PUBLICS

Wednesday 8 May 2013

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The committee met at 1233 in room 151, following a closed session.

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

The Chair (Mr. Norm Miller): Okay, I shall call the committee to order. Just before we start with our first witness, I wanted to get authorization from the committee to send a letter to the Speaker, the chair of the Board of Internal Economy, with regard to the Canadian Council of Public Accounts Committees meeting in Regina, Saskatchewan from August 25 to 27, 2013. Is that agreed by the committee?

Ms. Helena Jaczek: Agreed.

Mr. Frank Klees: Agreed.

The Chair (Mr. Norm Miller): Okay, it's agreed.

MINISTRY OF HEALTH AND LONG-TERM CARE

The Chair (Mr. Norm Miller): I'd like to invite Mr. Richard Jackson, director of emergency health services land-air, direct services division, Ministry of Health and Long-Term Care.

Our Clerk is looking for something behind me; probably the affirmation, I assume.

Mr. Frank Klees: Chair, are we going in 20-minute rotations?

The Chair (Mr. Norm Miller): Sure. We'll do 20-minute rotations and then see how much time we have. We have until 2 o'clock with Mr. Jackson.

The Clerk of the Committee (Mr. William Short): Mr. Jackson, if you would just raise your right hand, please? Mr. Jackson, 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. Richard Jackson: I do.

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

The Chair (Mr. Norm Miller): You have up to 10 minutes for an opening statement, if you wish to make one.

The Clerk of the Committee (Mr. William Short): Fifteen.

The Chair (Mr. Norm Miller): Fifteen? Sorry; 15 minutes.

Mr. Richard Jackson: Can people hear me?

The Chair (Mr. Norm Miller): Yes, I believe so. If we need you to speak up, I'll interrupt.

Mr. Richard Jackson: Good afternoon. My name is Richard Jackson. In my opening remarks, I would like to first briefly provide committee members with an overview of my career in the Ontario public service and then provide the committee with updates of actions the ministry has taken to improve the oversight of air ambulance and related services provided by Ornge.

I am the director of the air ambulance program oversight branch, a position I have held since July 2012, when the branch was established. In April of this year, I was appointed to the position of the director of the emergency health services branch. Consequently, I am now accountable for the oversight and regulation of land and air ambulance services in Ontario.

I have devoted my career to public service. I joined the OPS in 1982 and have held several senior management positions with several ministries. From 2009 to 2012, I was the Toronto regional director for the Ministry of Community and Social Services and the Ministry of Children and Youth Services. Previously, I have held several senior positions with the Ministry of Training, Colleges and Universities, including the Ontario Student Assistance Program director, the Superintendent of Private Career Colleges, the executive assistant to the deputy minister and the finance manager with the colleges branch.

I have taken on the responsibility to lead air ambulance program oversight because I wanted to make a positive contribution in ensuring Ontarians requiring critically important medical transport services receive the best possible care and that these services are delivered in an accountable and transparent fashion on behalf of Ontarians.

I would now like to provide the committee members with updates on the work we are doing to improve the oversight of services provided by Ornge. In establishing an enhanced oversight regime for air ambulance services, the ministry's key objectives are to ensure patient care and patient safety standards are met and that financial accountability and public transparency are enhanced in the delivery of the vital services Ornge provides that Ontarians pay for and that Ontarians expect.

Our work is guided by the detailed recommendations made by the Auditor General in his special report on air ambulance and related services, as well as the terms and conditions of the amended performance agreement that was ratified by the Minister of Health and Long-Term Care, Ornge's interim president and CEO and the chair of Ornge's board of directors on March 19, 2012.

The amended performance agreement has strengthened accountability and transparency in the delivery of air ambulance services. The amended agreement makes patient care and aviation safety paramount, and we are ensuring that Ornge is delivering against these requirements.

I would like to outline for the committee members examples of the enhanced oversight provisions that are in place as a result of the amended agreement. In response to the Auditor General's recommendations, the amended performance agreement contains additional key performance indicators and increased reporting requirements. The amended agreement outlines principles that Ornge must follow in providing the services outlined in the performance agreement. I would specifically note that Ornge's operations must operate on a not-for-profit basis. The amended agreement contains several elements relating to quality improvement and patient relations that mirror the requirements of the Excellent Care for All Act, which applies to public hospitals in Ontario. These provisions include a quality committee, patient satisfaction surveys, a patient relations process including a patient complaints process and a patient advocate function, a patient declaration of values, and annual quality improvement plans.

Under the amended agreement, a number of actions by Ornge require the ministry's prior approval. These include the purchase of real estate, incurring debt, the sale of assets as well as any changes to Ornge's corporate structure. Ornge is required to post a broad range of information on its website, including its complaints process, its quality improvement plan and its conflict-of-interest policies.

The performance agreement outlines the comprehensive range of air ambulance services and related services that Ornge provides. The services the provincial government funds Ornge to provide include dispatching services for air and critical care land ambulances, the provision of air and critical care land ambulance services for inter-facility transfers and on-scene calls, coordinating organ transplant recovery flights in response to requests from the Trillium Gift of Life Network, operating the provincial transportation authorization centre to provide medical transfer authorization numbers for inter-facility transfers between Ontario hospitals, and a range of base hospital services, including medical direction, medical advice, paramedic certification and training, quality assurance, continuing medical education, and guidance and authority for patient care interventions to ambulance paramedics.

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Through formalized monthly meetings and regular daily contact with senior officials, we have established a

productive working relationship with Ornge that has enhanced transparency with the service provider.

Our role is further enhanced through my participation as the ministry representative in a non-voting capacity on two of Ornge's board subcommittees: the quality of care committee and the operations committee.

The role of the operations committee is to assist the board of directors to fulfill its oversight responsibilities for the quality of service delivered by aviation services in the operations control centre.

The role of the quality of care committee is to assist the board of directors to fulfill its oversight responsibilities for the quality of patient care and patient safety.

One of the key deliverables of the quality of care committee was the development of Ornge's first quality improvement plan. The quality improvement plan identifies five key priorities: (1) excellence in medical care, by delivering the best possible care to patients; (2) highly skilled staff, by ensuring that front-line paramedics and operations control staff have high-quality knowledge and skills; (3) safety, both with respect to aviation safety and workplace safety; (4) staffing and transport, through having the right medical crew, the right vehicle for transport and the appropriate level of care at the right time to transport patients; and (5) urgency according to need, through the ability to respond as quickly as possible to requests for medical transport.

Based on these priorities, a series of measurable objectives were identified and benchmarked, with quality improvement targets established and publicly reported.

I would like to inform committee members that in November 2012 Ornge met the Ambulance Act certification requirements for their air ambulance and critical care land ambulance programs. Ornge's ambulance service operator certificate for these two programs is now valid until December 2015.

Under ministry leadership, the review team that conducted Ornge's certification review was comprised of an emergency medical physician, a base hospital manager, senior EMS officials and paramedics from other municipal EMS providers.

The recertification review assesses whether a service provider has procedures in place to ensure that the delivery of ambulance services, including compliance with applicable patient care legislation and standards, is being met.

I would also advise the committee that from February 2012 to April 2013, Ornge's bases and standing-agreement aircraft carriers contracted by Ornge have been subject to 15 unannounced inspections by ministry staff. I can assure committee members that we will continue our practice of unannounced inspections to ensure ongoing compliance with ambulance certification standards.

Another aspect of our work to ensure that patient safety, care and standards are met is through investigations that the ministry conducts in response to complaints received about potential contraventions of patient care standards. Findings from these investigations are provided to the ambulance service provider, and they are re-

quired to provide responses to the ministry to address the findings from these investigations.

We receive daily availability reports and issue summaries from Ornge that enable the ministry to monitor their performance against quality improvement plan targets and service delivery expectations.

Through ongoing analysis of the information in these reports, the ministry has a detailed understanding of Ornge's operations: for example, the number of ambulance transport requests, the number of transports provided, and the availability of paramedics, pilots and aircraft by individual base. The information in these reports is critical in understanding the level of service provided by Ornge and identifying areas that require attention and improvement.

The ministry has gained an in-depth understanding of Ornge's program expenditures and use of government funding through the successful completion of Ornge's 2013-14 zero-based budget submission. Article 5 of the amended performance agreement describes zero-based budgeting as a budget methodology in which "all expenses for every function must be justified for each funding year, based upon an analysis of needs." This methodology quantifies Ornge's expenditures by service, for example, how much is being spent on air ambulance, critical care land ambulance, organ transplant recovery; by location; by individual base and head office; and the type of expenditure, be they salaries, fuel, medical supplies, training etc.

The zero-based budgeting requirement is an enhancement to the budget monitoring and quarterly reviews and variance analysis required of all agencies and organizations receiving funding from the provincial government. Through the zero-based budget methodology and ongoing quarterly reporting and monitoring, the ministry is able to determine how much each service provided by Ornge costs, and that the funding provided to Ornge is being used for its intended purposes.

The ministry has developed operational policy to implement key elements of the performance agreement, including the ministry approval process for the sale and lease of assets to ensure that Ornge achieves value for money in instances where these assets that are not required to deliver ambulance services can be disposed of. This process was used to approve Ornge's request to sell two never-used AW139 aircraft that were sold in April 2013.

The ministry has also completed a detailed review of the cost and recruitment and training strategy of Ornge's proposal to add a third team of paramedics at its Thunder Bay base, which was approved and announced in January 2013. Later this month, a third team of paramedics will be deployed in Thunder Bay for the day shift, and by November, a third team of paramedics will be deployed for the night shift.

As a result, Ornge's three aircraft in Thunder Bay, two fixed-wing aircraft and one rotary-wing aircraft, will be staffed by paramedics for the first time on a 24/7 basis. Previously, there had been two teams of paramedics to be deployed on the three available aircraft.

As part of the ministry's response to the Auditor General's recommendations, the ministry has contracted Deloitte to conduct a review of Ornge's critical care land ambulance program to assess the current demand for critical care land ambulance transports in Ontario and determine whether the program is cost-effectively meeting the needs of the facilities that patients are being transferred between. Work on this review was initiated in February 2013. Data-gathering and stakeholder consultations are presently under way. The final report and recommendations are on track for completion in June of this year. The report's recommendations will guide future ministry decisions on the delivery of critical care land ambulance services.

I would also like to advise the committee of additional audit work that the health audit services team is presently taking to assist the ministry in our oversight of Ornge. The audit is focusing on board governance and accountability, Ornge's processes for preparing reports that facilitate transparency of Ornge's operations to the ministry and Ornge's compliance with broader public sector directives. The scope of this audit focuses on the period from April 1, 2012, to January 31, 2013. The audit team commenced their field work on February 25 and their final report is expected to be completed by July 2013.

In closing, I am confident that the ministry has and will continue to take positive steps forward to ensure that patient care and patient safety standards are achieved, and that financial accountability and public transparency are enhanced to ensure that Ornge delivers the vitally important services that Ontarians pay for and expect.

I also know from my regular interaction with senior Ornge officials and board members that they are committed to delivering the highest-quality ambulance services in an accountable and transparent fashion, and they are taking action to deliver on this important commitment.

I welcome the opportunity to respond to questions you will have.

The Chair (Mr. Norm Miller): Thank you for that opening statement. We'll go the opposition first. Mr. Klees.

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Mr. Frank Klees: Mr. Jackson, thank you for joining us today. So you are the new Malcolm Bates.

Mr. Richard Jackson: I think I am sometimes described that way.

Mr. Frank Klees: I understand that you are both the director of the emergency health services branch as well as the director of the air ambulance oversight program?

Mr. Richard Jackson: Correct.

Mr. Frank Klees: Can I ask you, how many staff do you have on the air ambulance oversight program supporting you in that function?

Mr. Richard Jackson: I have six staff that are fully dedicated to the air ambulance program oversight role: four senior program advisers, a program adviser and an administrative assistant.

Our work is assisted by staff in the emergency health services branch from a certification and investigations

perspective, as well as assistance that is provided and work that is done in respect to financial analysis of the material that we receive from Ornge.

Our team is also augmented by legal counsel as required and in instances, as I mentioned at the close of my remarks, where we are engaging the health audit services team to assist us in our mandate.

Mr. Frank Klees: Okay. What experience do you have in air ambulance or land ambulance?

Mr. Richard Jackson: Prior to taking on this responsibility in July 2012, I did not have experience with air or land ambulance. I had considerable experience, and I will speak to this, in terms of the role that I played as the regional director at the Ministry of Community and Social Services and the Ministry of Children and Youth Services, where we were responsible for ensuring that a wide range of transfer payment agencies—be they developmental service agencies, children's aid societies, or children and youth mental health agencies—were delivering upon their requirements. I would also—

Mr. Frank Klees: Thank you.

Mr. Richard Jackson: Could I just—

Mr. Frank Klees: I'll tell you, I'm really interested to know specifically about your experience in air ambulance and land ambulance. As you indicated, you had no experience there before you took on this job.

Of the six individuals who are obviously your key support people, I see Steven Haddad, Susan Sue-Chan, Meena Deol, Enan Hoque and Isabelle Jones. Are those your key people? This is from your website.

Mr. Richard Jackson: Yes, that's from Info-GO. It's not quite up to date in terms of the staff members there. The staff members that work with me on this initiative bring a depth and breadth of experience in transfer payment oversight—

Mr. Frank Klees: All right. Mr. Jackson, I'm going to ask you to allow me to ask the questions. Okay?

Mr. Richard Jackson: I'm quite happy to do that, sir. Sorry.

Mr. Frank Klees: We have a limited period of time, and there are a number of things we'd like to get to.

Did any of these six people, before they were hired into the oversight program, have any experience whatsoever in either air ambulance or land ambulance, yes or no?

Mr. Richard Jackson: No, they did not.

Mr. Frank Klees: No. The emergency health services branch had a dedicated unit of people that worked in the air ambulance and land ambulance section but specifically, we're focused here on air ambulance—extensive experience; they worked under Malcolm Bates. Were any of those people who were in the existing emergency health services branch invited to join this oversight program?

Mr. Richard Jackson: They were not invited to join this branch. We—

Mr. Frank Klees: They were not invited?

Mr. Richard Jackson: They were not.

Mr. Frank Klees: Okay.

Mr. Richard Jackson: That group of people work closely with my staff, and as I said—not as I said, but there's a strong partnership between the two branches. There's—

Mr. Frank Klees: Who hired the staff that you do have in the oversight program?

Mr. Richard Jackson: I hired the staff.

Mr. Frank Klees: You did. And who do you report to directly?

Mr. Richard Jackson: I report to Patricia Li, who is the assistant deputy minister in the direct services division.

Mr. Frank Klees: And she would have been the individual who was in charge of the emergency health services branch that Malcolm Bates reported to when he was a director. Is that correct?

Mr. Richard Jackson: That would be correct.

Mr. Frank Klees: And she would be the same individual who—I suppose we can put this—had oversight responsibility of emergency health services and, indirectly, of Ornge when Ornge went off the rails. Is that correct?

Mr. Richard Jackson: I don't know the specific date that Patricia took on that role. I can't equate to when Ornge went off the rails, but certainly, when the Auditor General was doing his work, Patricia would have been the assistant deputy minister.

The Chair (Mr. Norm Miller): And I'm just going to interrupt. If you don't mind moving the microphone down a bit and speaking a little bit louder. Some of the members are having a little difficulty hearing.

Mr. Richard Jackson: Okay.

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

Mr. Frank Klees: I'd like to move to the amended performance agreement. You have some documentation in front of you that I presented and I distributed to the members of the committee as well.

Before we get to that, I'm assuming that you're familiar with the troubles that were brewing at Ornge in terms of the siphoning of millions of tax dollars, health care dollars into for-profit companies, undermining, as a result of that, the core mandate of Ornge to deliver emergency air ambulance service, and the down-staffing that took place of paramedics as well as pilots. You're fully briefed and you have a good understanding of that—

Mr. Richard Jackson: Yes, I am aware.

Mr. Frank Klees: I found it interesting, in your opening statement, when you referred to the amended performance agreement. I believe the term you used is that it now provides additional oversight authority. Can I ask you to tell us specifically what parts or clauses of the performance agreement provide that enhanced oversight authority?

Mr. Richard Jackson: I would refer you to—and I appreciate that you've provided me a copy of this prior to sitting down—the depth and breadth of requirements that are outlined in schedule A and schedule B of the agreement, in addition to the reporting requirements, the heightened attention to and emphasis on quality, the requirement of a quality improvement plan, the require-

ment that there actually be a quality committee of the board. We also have the ability, where we are taking a look at any—as I indicated in my opening remarks, approval of the sale of particular assets above a specific level and to put in rigorous processes to evaluate that.

Mr. Frank Klees: Schedule A lists some 14 reports that Ornge is required to deliver to you, to the ministry, on a monthly basis. Have you been receiving those reports?

Mr. Richard Jackson: The short answer is yes.

Mr. Frank Klees: All of them?

Mr. Richard Jackson: I'll clarify—

Mr. Frank Klees: No. Again, if you wouldn't mind working with me. I'd like to ask the questions because there's a reason for them. If you could respond to the questions and then we'll move on. Okay?

Mr. Richard Jackson: Okay.

Mr. Frank Klees: Have you been receiving all of these 14 reports, as requested, on a monthly basis?

Mr. Richard Jackson: Yes, and there are actually more than 14 reports, but—

Mr. Frank Klees: Okay. How do you receive those? Are they addressed to you? Do you receive them, or who takes them in?

Mr. Richard Jackson: They're provided to us. We have a SharePoint site with Ornge where that documentation is filed by Ornge on the SharePoint site and we are made aware when it is.

Mr. Frank Klees: Who analyzes the reports?

Mr. Richard Jackson: The people who work in the air ambulance program oversight branch.

Mr. Frank Klees: Do you distribute the specific reports to different individuals?

Mr. Richard Jackson: Yes is the short answer to that.

Mr. Frank Klees: Can you tell us who analyzes which reports?

Mr. Richard Jackson: I couldn't give you a specific crosswalk at this point between report and staff member examining this. I'd be happy to provide that information to the committee.

Mr. Frank Klees: Okay, if you could do that.

Mr. Richard Jackson: Yes.

Mr. Frank Klees: Once they're analyzed by your staff, what happens?

Mr. Richard Jackson: For the seven months that we—first off, we've been receiving these reports on a monthly basis since August. We have spent the third quarter and fourth quarter having a full understanding, from a benchmarking perspective, of where Ornge is in delivering upon these particular requirements.

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When we see that there are challenges with certain service levels being maintained, we would be in touch with Ornge and in contact with Ornge to have an understanding of what is transpiring and what steps they are taking to address those issues.

Mr. Frank Klees: Specifically, you indicate—of course, we're all primarily concerned about the patient care aspect of the service. We know that there were ser-

ious problems at Ornge in terms of meeting the standards. Of the reports that you've been receiving, let's just deal with the last three months. You indicate that you deal with them on a quarterly basis. Over the last quarter, can you tell us, in terms of the patient care issues, how many of the reports that you receive deal specifically with patient care standards?

Mr. Richard Jackson: In terms of the reports that deal with patient care, we would be receiving—I'll speak first at a general level. We receive reports that will provide us with information on a daily basis on the number of paramedics at each base and the level of care that those paramedics have the ability to provide, be they critical care paramedics, advanced care paramedics or primary care paramedics.

Mr. Frank Klees: Over the last quarter, can you tell us what the average resource availability has been across the service?

Mr. Richard Jackson: Yes. Ornge's air and land bases—they have nine air bases and four land bases. There have been two or more paramedics on staff 96% of the time.

Mr. Frank Klees: What about pilots?

Mr. Richard Jackson: Pilots, for that same time period: 97% of the time. The aircraft were available 98.7% of the time.

Mr. Jagmeet Singh: Sorry, what was the last answer?

Mr. Richard Jackson: With respect to aircraft, 98.7% of the time.

Mr. Frank Klees: I'd like to direct you to the resource availability report for March that was provided to this committee by Ornge directly. Are you familiar with this document?

Mr. Richard Jackson: Yes, I'm familiar with this document.

Mr. Frank Klees: When we look at the explanation of how this should be interpreted, it deals with all of the bases across Ontario and speaks to the availability of paramedics, pilots and then aircraft itself. It speaks to the out-of-service hours based on pilots, medics and aircraft.

If I can point you to section 3, which summarizes the combined numbers dealing with pilots, paramedics and aircraft, the last category, highlighted in bright yellow, refers to—the heading of that column is “Ability to Meet Target.” For day shifts, the number that we see there is 63.8%. Do you see that?

Mr. Richard Jackson: Yes, I do.

Mr. Frank Klees: And the number for night shifts is 55.8% across the service.

Mr. Richard Jackson: Would you like me to provide you details of what that number actually represents? Sorry, I'm getting ahead of you.

Mr. Frank Klees: I was going to ask you that question.

Mr. Richard Jackson: What that number is talking about is a measurement of level of care. At Ornge's bases, with the exception of Moosonee, which is designated as a primary care base—in Kenora, that is an ad-

vanced care base. The other bases are designated as critical care paramedic level.

In a situation where there is a team of two paramedics on each shift, if both of those paramedics have the critical care certification, that is deemed to meet that target. If one of them is an advanced care paramedic and the other paramedic is a critical care paramedic, it is deemed to have met the critical care standard. If there are only two advanced care paramedics, they will not meet the critical care standard. That's what's being reflected in that number—not that there aren't two paramedics on duty, but that the certification level of those paramedics is not at the critical care level.

In Ornge's quality improvement plan, the target that they had established for themselves by March 2013—and it was first measured in this way in August—was set at 75%. When the benchmark for this was measured in August, it was at 54%.

By the end of Q4, so the January to March 31 period, those numbers—and you've got a number here for March—were 70.3%, against the target of 75%.

Mr. Frank Klees: So in the case of these circumstances that account for some 33% of the time, if in fact a call was to come in that required critical care paramedics in order to deal with that patient appropriately, we'd be out of luck, right?

Mr. Richard Jackson: No, we would not be out of luck. In the case of an inter-facility transport, which is the bulk of the work that Ornge would do, if there was a medical escort available to augment the team of paramedics, the call could be responded to that way.

I'll share a couple of other numbers with the committee to put this in—

Mr. Frank Klees: Before you do that, I'd like to just finish this section, okay?

Mr. Richard Jackson: Certainly.

The Chair (Mr. Norm Miller): You have three minutes left, Mr. Klees.

Mr. Frank Klees: Okay. I'll come back to deal with your issue in my next round, but I wanted to just deal with the issue of what it means when a base is not able to provide service because of either understaffing of paramedics or of pilots. You have an email in front of you that I received just yesterday. I'll read it into the record. Chair, if you could allow me—if I go over a couple of minutes here, you can pick them up on the next round.

This is dated yesterday. It reads as follows:

"Mr. Klees, my main concern is still the lack of accountability at Ornge. At the Moosonee base since March 15 there have been 44 shifts that have not been covered, mostly due to a lack of crews but some due to unserviceability of the aircraft. This says to me that the performance agreement is ineffective. Someone needs access to the out-of-service reports and they need to be verified as I do not trust Ornge to not be manipulating the books. The lack of crews is still due to qualified people not wanting to work for Ornge."

Here's what concerns me. Members of this committee know full well that we have been dealing and the Auditor

General had to deal with circumstances where information was being provided to the Ministry of Health by Ornge that was inaccurate. When Malcolm Bates was here testifying, he told us of the number of times that information was conveyed to him, to the ministry, by Ornge that was inaccurate.

We have very fancy documents here that have many numbers. What we see is that for 33% of the time, there weren't qualified paramedics available. This information that we have, which is substantiated in the resource availability account as well—that in some cases 5% of the time, 6% of the time, an aircraft was not available or the call couldn't be made because of under-resourcing of the base. For every 1%, we're told, it's some—in fact, we have a table here that I'll refer to you as well. It's headed "Dispatch Reliability." Again, I'll review this with you in more detail in the next round.

1310

The Chair (Mr. Norm Miller): You may not have enough next round—

Mr. Frank Klees: I think we will.

The fact is that for each percentage point less than 100%—that represents some 87.6 hours of aircraft time that is not available. That has serious implications to patient care. My concern is, are you simply relying on information that you're getting from Ornge or are you fact-checking Ornge, and if so, how are you doing that?

Mr. Richard Jackson: I'd say there are a few questions. Do I have time, Chair, to respond to that?

The Chair (Mr. Norm Miller): No, he's pretty much out of time, but you can answer as you feel. If you'd like to answer him, well—

Mr. Richard Jackson: So what I would say in terms of how we are verifying that information is we have a team from our health audit services team at Ornge right now reviewing the data sources of that information so that when these reports come to us, we can actually rely on the validity of the information. I don't, at this point, have any reason to expect that this information is not being provided to us on an accurate basis.

One way—and it's part of a tool kit of approaches—is that when unannounced inspections are done at bases, ministry staff who attend at that base can see: Are the people who are there, who are reported to us, supposedly there? And we've seen no indication that that has not been the case.

In terms of the hours of service, on any given day, between Ornge's nine air bases and four land bases, there are 348 hours of service available. Certainly, 1% is critically important, but if they're down for 1% of the time in one day, we're talking about three and a half hours out of that 348 hours that are available for service by Ornge's 13 bases.

The other number that I think is important to share with the committee is that in 2012-13, Ornge received 25,292 calls for transport. Of that total, 51 were not able to be responded to because the aircraft was not available and 130 were not able to be responded to at that point in time because the pilot or the paramedics were not available.

Mr. Frank Klees: Is that acceptable?

Mr. Richard Jackson: The target that the ministry would expect, and Ornge would be expecting, is that it should be 100%, that there shouldn't be 130 and there shouldn't be 51. It is less than 1%, but it's a critical 1%. Every transport that happens is a potentially critical transport.

The Chair (Mr. Norm Miller): Okay, and we'll have to move on to the NDP. Mr. Singh?

Mr. Jagmeet Singh: Thank you. Good afternoon. Just so I understand, you were asked some questions about your previous experience with respect to air ambulance. You indicated you didn't have any. Just briefly, how long have you been at the Ministry of Health in total, then? That specific ministry.

Mr. Richard Jackson: I joined the Ministry of Health in July 2012.

Mr. Jagmeet Singh: And before that you indicated you were in the Ministry of—

Mr. Richard Jackson:—community and social services and children and youth services.

Mr. Jagmeet Singh: Okay. How long were you at that ministry for?

Mr. Richard Jackson: I was there from 2009 to 2012.

Mr. Jagmeet Singh: In terms of the problems at Ornge, were you aware of any of those as they occurred, or that wasn't a part of your ministry so you weren't aware of them?

Mr. Richard Jackson: I would have followed what was going on in the press and in hearings before this committee as an interested member of the public.

Mr. Jagmeet Singh: Specific to the previous performance agreement, you didn't have any ministry-level experience?

Mr. Richard Jackson: Correct.

Mr. Jagmeet Singh: If I was to ask you to distinguish between the two performance agreements in a specific way, would you be able to do that? What makes one substantially different or not from the other?

Mr. Richard Jackson: For the purposes of my answer, I could talk about it in general terms. We can certainly provide the committee a table that contrasts the terms and conditions of each element, what is new. But from a general perspective, it is a heightened type of information being provided to us so that we can see first-hand what is going on at Ornge and if they are actually delivering upon the expectations that we would have.

Mr. Jagmeet Singh: Okay. Do you have experience with performance agreements in general in other health care providers and other health care organizations?

Mr. Richard Jackson: I have experience in transfer payment accountability and service contracts with children and youth mental health agencies, developmental service agencies, child care centres, colleges and universities, and private career colleges.

Mr. Jagmeet Singh: In terms of performance agreements, would you be able to compare performance agreements?

Mr. Richard Jackson: I'm not aware of a performance agreement that goes into this level of detail in terms of expectations in any of the sectors that I've worked in.

Mr. Jagmeet Singh: Sorry. Just to clarify, I'm asking if you've had experience with a performance agreement that you can compare. I have a question based on that.

Mr. Richard Jackson: My answer is I actually don't have that experience because this level of performance agreement does not exist in the sectors that I've worked in. There are service contracts that talk about specific deliverables against certain objectives and the amount of funding that will be provided and what the outcomes of that would be.

Mr. Jagmeet Singh: Sure. I'm going to ask you now about your role in supervising or providing oversight for Ornge. Are you involved in the issue of salary disclosure and oversight or transparency with respect to that?

Mr. Richard Jackson: I'm not specifically responsible for the salary disclosure process that happens at organizations and agencies that are subject to public sector salary disclosure; that is done by another area of the ministry. But I am cognizant of Ornge's salary disclosure.

Mr. Jagmeet Singh: Okay. So I guess in that informal way, are you aware with certainty, one way or the other, if Ornge is now disclosing all the salaries of their staff in terms of meeting the sunshine list requirements?

Mr. Richard Jackson: In terms of meeting the sunshine list requirements, one of the specific aspects, as I understand it, is for employees of any organization—at Ornge there are certainly people still in the situation where, although the organization itself is not working on a for-profit basis, they are assigned to a for-profit corporation—

Mr. Jagmeet Singh: But do you know for certain, one way or the other, if they're all disclosing their salaries or not?

Mr. Richard Jackson: I do not know if those would all be disclosed.

Mr. Jagmeet Singh: Sure. In terms of your contact with Ornge, you receive reports; some of those reports are annual and some of those reports are monthly. Is that correct so far?

Mr. Richard Jackson: Monthly, weekly, daily.

Mr. Jagmeet Singh: And there are some other reports that are weekly as well?

Mr. Richard Jackson: Yes.

Mr. Jagmeet Singh: Is there a daily contact with Ornge that you maintain?

Mr. Richard Jackson: Rarely a day goes by that I or a member of my staff do not speak to a senior person at Ornge about whatever the matter of the day would be.

Mr. Jagmeet Singh: Okay. Let's talk about perhaps one week's time. How much contact would you have with Ornge in terms of reporting or communication by phone or meetings with Ornge? Just roughly, how often does that happen in a given week?

Mr. Richard Jackson: Myself personally?

Mr. Jagmeet Singh: You and your team.

Mr. Richard Jackson: Twenty to 25 hours a week.

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Mr. Jagmeet Singh: Okay. And what are the different things that happen in those 20 to 25 hours?

Mr. Richard Jackson: Well, every morning at 7 o'clock, we receive a report on transports that Ornge conducted over the previous day. In that report, there are specific references and—a transport was conducted or not conducted, and what the reason for that was.

Mr. Jagmeet Singh: Sure. Let me just—

Mr. Richard Jackson: We would then follow up, if there seemed to be some anomaly. If I was to take a Moosonee example, sometimes the helicopter can't fly in Moosonee in the wintertime because the temperature is below minus 30 degrees centigrade and the helicopter's certifications do not allow it to be flown—

Mr. Jagmeet Singh: Thank you so much. Let me just clarify some of that. So one of the things you receive in reports in the 25 hours. What else besides reports?

Mr. Richard Jackson: What else inside of reports—

Mr. Jagmeet Singh: No, besides reports.

Mr. Richard Jackson: Besides reports.

Mr. Jagmeet Singh: Meetings, or it can be phone call communication.

Mr. Richard Jackson: We have a regular weekly meeting with Ornge where we review the progress that is being made against findings that have been identified from specific investigation reports and the steps they have taken to address those findings. That would be a contact.

Mr. Jagmeet Singh: Sure.

Mr. Richard Jackson: If in the case of—I mentioned the evaluation that we did of Ornge's proposal to staff a third team of paramedics in Thunder Bay—considerable daily contact, meetings, to have an understanding of what that proposal was and when those resources would actually be on the ground to be delivered.

We would be doing quarterly financial analysis: What is the reason for the variance in the expenditure on that particular line? We meet with them formally, monthly, to talk about broader strategic initiatives.

Mr. Jagmeet Singh: Let's talk about—just so that I have a bit of a comparison, we'll talk a bit about the financial work that you do. Are there other ambulance organizations or other providers that you deal with in addition to Ornge?

Mr. Richard Jackson: Up until the beginning of April, when I became the director of the emergency health services branch, there would be rare instances where I would have contact with other ambulance providers in the province.

Mr. Jagmeet Singh: And now, moving forward, is that the same case?

Mr. Richard Jackson: Moving forward, I would fully expect to have much more regular contact with emergency EMS chiefs across this province. I'm speaking at their conference next Wednesday. I've had discussions already with the chair of the Ontario Association of Para-

medic Chiefs, and we'll be building that working relationship with that group.

Mr. Jagmeet Singh: Do you have other organizations that report to you and provide you with feedback in terms of their service—and oversight over them as well? Besides Ornge.

Mr. Richard Jackson: Besides Ornge, in terms of the other ambulance providers in Ontario, there would be certainly a regular contact between staff in the emergency health services branch and those providers.

Mr. Jagmeet Singh: Pardon me?

Mr. Richard Jackson: Within the emergency health services branch, in terms of their regulatory and oversight role of all ambulance service providers, there would be regular contact with staff in that branch.

Mr. Jagmeet Singh: Do you, though, have regular contact with other organizations besides Ornge?

Mr. Richard Jackson: As I said, I've started, in my new role, to broaden the group of people that I work with, because I now have a broader—

Mr. Jagmeet Singh: So it's kind of like—do you do that then? Do you meet—

Mr. Richard Jackson: Yes. I'm in the process of doing that, yes.

Mr. Jagmeet Singh: Why aren't you saying, "Yes, I meet with other people"? Why are you saying you're in the process of it? Is there something different—

Mr. Richard Jackson: Well, no. I've met with other people. I've spoken with a base hospital director. I've had conversations with the president of the Ontario Association of Paramedic Chiefs. I'm building my network in that.

Mr. Jagmeet Singh: Okay. So comparing your contact with the other organizations and your contact with Ornge, is it different or is Ornge more extensive?

Mr. Richard Jackson: Ornge has been much more intensive. In my work that I have done with transfer payment organizations and transfer payment agencies in the various ministries I've worked at, the amount of contact that I have with Ornge is exponentially higher than I would normally have.

Mr. Jagmeet Singh: What are your independent mechanisms to double-check or to confirm the information that you receive from Ornge, if any?

Mr. Richard Jackson: As I mentioned in a previous answer, we presently have an audit team there now verifying the way that reports are compared, compiled, and data is presented to us to ensure that it accurately reflects the information that is coming from their own data systems.

Mr. Jagmeet Singh: And how long is the audit team going to be there for?

Mr. Richard Jackson: They started their fieldwork on February 25 and are scheduled to complete it in mid-May.

Mr. Jagmeet Singh: Okay. And—

Mr. Richard Jackson: I thought that was an important thing that we should do because we need to rely on

the data that we get, so we should ensure that it is actually correct and accurate data.

Mr. Jagmeet Singh: That was under your direction, this audit team?

Mr. Richard Jackson: That was my recommendation: that internal audit resources be allocated to conduct that work.

Mr. Jagmeet Singh: Just to be clear, this is an internal audit team from the Ministry of Health?

Mr. Richard Jackson: Yes. I think technically, they report to the Ministry of Finance, but they do the work for the Ministry of Health.

Mr. Jagmeet Singh: Based on what you're doing right now, based on the reports you're receiving and the fact that we have this internal audit going on that you've recommended, do you think, at this point, there could be—Mr. Klees gave one example of some concerns raised by some front-line staff providers. But could something go wrong at Ornge now, given what you're seeing and what you're doing? If so, what could you do to prevent that, or how would you know if something was going off-line?

Mr. Richard Jackson: In terms of do I think that anything is going off-line, could something go off-line, I can't predict the future. But by the rigorous oversight that we have in place, if that was to occur, we would certainly be aware of it in a way that I think we probably, as a ministry, have not been aware of it previously.

Mr. Jagmeet Singh: When you were choosing your staff—this is something that just came to mind. It doesn't have to be an extensive answer; I'm just curious that when you chose your staff and you hired them for this position to provide the oversight for Ornge, none of your staff had specific experience with ambulance services or air ambulance or, specifically, land ambulance. Was that something that you identified and weren't able to find people who had the experience, or was that a choice that you thought was not—

Mr. Richard Jackson: Characterized, I think there are different roles and responsibilities in this process. I'll start with, first, whoever it is who the government contracts to provide the service. We'll use Ornge because that's what we're here to talk about. I do not need, as the overseer, to understand how to intubate a patient. I do not need to understand how to fly an aircraft. What I do need to understand, from an oversight perspective, is how you actually do that oversight. How do I determine if aviation safety is being maintained? What does Transport Canada say? What does the Ministry of Natural Resources say, where that expertise relies?

When it comes to the quality of medical care, within Ornge, there's first a level of accountability with their medical advisory committee, the work of the quality of care committee that is chaired by Dr. Barry McLellan. So there's that internal expertise there. The staff at the emergency health services branch who have the technical training in paramedicine and oversight—sorry; not oversight, but regulatory—are the patient care standards being achieved? So we rely on that.

There's a regulatory role versus an oversight role, and when I'm looking at people to do the oversight role, I want people who have an understanding of how transfer payment accountability works, and when I want to have people who work on the regulatory side, I want the technical skills to do that. The mix that we have addresses that.

Mr. Jagmeet Singh: Thank you. I'm going to ask you some questions now about the financial auditing or oversight that you do, and the other area that I want to talk about is the communications centre, if you have any insight on that.

With respect to the financial portion, some of these reports that you receive are specifically service-related in the amount of service or amount of calls received and responded to, and some of the reports you receive also involve financial information. Is that correct?

Mr. Richard Jackson: Correct.

Mr. Jagmeet Singh: In terms of your reviewing of those, what type of information are you receiving in the finances, and what steps do you take to oversee that?

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Mr. Richard Jackson: Okay. In terms of the material—I'll speak specifically to the finance; is that what you'd like me to do?

Mr. Jagmeet Singh: Sure, yes.

Mr. Richard Jackson: With respect to the finance review of this, as part of regular, standard transfer payment accountability within the broader OPS, organizations receiving funding from the government submit an annual budget and submit an understanding of how that money will be spent and for what purposes it will be spent. On a quarterly basis, there are reports back from the organization indicating what they are spending and how much they are spending. Is it a variance from the plan positive or minus? Why is there a variance from the plan? It's the type of work that would be done with any recipient of transfer payments.

Mr. Jagmeet Singh: That sounds promising. Obviously you must receive information with respect to compensation. The reason why I'm asking about compensation is because it was one of the key pieces that unlocked the puzzle to the Ornge scandal. The problems that existed in the management, particularly the CEO, were unlocked by discovering that there was a serious issue with the compensation.

To prevent that from happening in the future—one of the key red flags that occurred in this circumstance—you receive reports on where the money is being spent and how it is being utilized. I would assume that also takes into consideration staff payment.

Mr. Richard Jackson: Correct. We would have salary information; this is through the work that we've been doing under the umbrella of zero-based budgeting, where we can pinpoint the amount of salary that's being paid to provide a specific function, be it how much the staff in the finance unit of Ornge are being paid or how much people in the CEO's office are being paid. I think we

have a really good line of sight into that organization in terms of its compensation.

Mr. Jagmeet Singh: So you have direct information in terms of, for example, the CEO and the other management—what they're being paid and where that money is going from the public taxpayer dollars into this organization?

Mr. Richard Jackson: Yes.

Mr. Jagmeet Singh: And there's not at this point in time any barrier to receiving that information that's flowing?

Mr. Richard Jackson: Absolutely not. I cannot think of an instance where we have requested information from Ornge since I've been in this job—since July 2012—where that information was not provided. It was always provided to us promptly and appropriately, I thought.

Mr. Jagmeet Singh: Sure. Mr. Chair, can I keep my time for the next round?

The Chair (Mr. Norm Miller): Yes, you may.

Mr. Jagmeet Singh: Sure.

The Chair (Mr. Norm Miller): So we'll move to the government then. Ms. Jaczek?

Ms. Helena Jaczek: Thank you, Mr. Jackson, for attending today.

When you became the director of the oversight branch, how would you describe the particular skills, training and background that you brought to this position as an overseer? What particular skills did you bring to this position?

Mr. Richard Jackson: Thank you for the question. I will start with, first, my role as the director of the Ontario Student Assistance Program, where, under my leadership, we implemented a rigorous income verification process to ensure that students and their families were appropriately providing income information in terms of providing funding to this. We implemented an oversight regime of financial aid offices at colleges and private institutions to ensure that they were utilizing the program and their delegated authority under the program effectively.

As a superintendent of private career colleges, I was responsible for implementing a new regulatory framework with respect to the passing of new legislation with respect to private career colleges.

In my role as regional director, I was responsible for the licensing of child care centres, ensuring that children and youth mental health organizations, children's aid societies and developmental service agencies provided the appropriate level of service and utilized the funding appropriately.

Ms. Helena Jaczek: And your educational background?

Mr. Richard Jackson: I have an honours bachelor of arts from York University in geography, I have a certificate from the Rotman School of Management in leading change, and a certificate from the University of Windsor law school in alternative dispute resolution.

Ms. Helena Jaczek: And so would you say that when you came to understand what was required in this director of the oversight branch—did you feel that you had the

transferable skills to provide leadership in this particular part of the Ministry of Health and Long-Term Care?

Mr. Richard Jackson: Not only did I feel that I had the skills to do that, the people who were recruiting for that position believed that I had the skills to do that job.

Ms. Helena Jaczek: Now, in your position as director of the emergency health services branch—I wrestle with the org chart of the Ministry of Health every day—I notice there's an A next to your name. Maybe it's an old—this was the one that was provided. Are you in an acting position or—

Mr. Richard Jackson: I'm in a—I thought I was permanent. Maybe I should pay attention to the org chart, but—

Ms. Helena Jaczek: This one is dated May 1, 2013, so there is an A.

Mr. Richard Jackson: I will need to speak to people about removing my A.

Ms. Helena Jaczek: In your position as director of the air ambulance oversight program, as you've said, you've got people from the health audit service team in Ornge at the moment doing a very detailed review to validate the information that you receive on a regular basis. They will report directly to you, I presume, on their findings. Is that correct?

Mr. Richard Jackson: I will be one of the people that that information is reported to. It will also go to the ministry's audit committee.

Ms. Helena Jaczek: If you find a problem, do you have authority to correct the problem? Who would you report to if there was a problem? I'm trying to get the scope of your responsibility.

Mr. Richard Jackson: In terms of the scope of my responsibilities, if there were found to be problems, I would be responsible for ensuring that those problems were addressed.

Ms. Helena Jaczek: Thank you. In terms of the relationship now, as you've described it to my colleague, I understand therefore that the people you work with at Ornge are being co-operative, transparent; you're not having any stonewalling or difficulties in obtaining information?

Mr. Richard Jackson: That is absolutely correct. They, like us, have the same mission: Make this place work.

Ms. Helena Jaczek: In terms of the metrics that you're looking at in the performance agreement, I was interested in one—it's actually 2(h), I guess, pursuant to schedule A. It's the one that talks about the average cost of services provided on a per patient basis. Is the cost per type of transport? In other words, is it by rotary, by fixed wing, by critical care land ambulance? How is that working?

Mr. Richard Jackson: The cost and the costing analysis that we will do first will be at the broad level; you know, \$152 million and 18,700-something transports and what the cost of that transport is. The work that we're doing—and this is why we've gone into this zero-based budget approach—is so that we can have a better

understanding of, what does it cost to provide that transport by land? What does it cost to transport by rotary wing, fixed wing or the special agreement carriers that Ornge utilizes?

Ms. Helena Jaczek: When it comes to the critical care land ambulance, that information that you're drilling down into, will that assist, I guess, Deloitte in looking at the critical care land ambulance program at Ornge?

Mr. Richard Jackson: They are doing an extensive analysis in terms of quite a few metrics, not just financial, time frames. The Auditor General, in his report, quite accurately presented that the cost of a critical care land ambulance transfer by Ornge is significantly higher than the cost that Toronto EMS provides. I think there are some reasons that could explain why there is some difference, but we need to understand, are we getting value for money in that particular program?

Ms. Helena Jaczek: In your new position as director of the EMS branch, with your communication with municipal land ambulance, you may have heard that in York region there is also considerable interest from York region EMS in potentially providing critical care land ambulance. So this will be factored in whether—in other words, everything's on the table. There might be potential shifts.

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Mr. Richard Jackson: I think it's fair to say at this point that everything is on the table for that. Part of the consultations that Deloitte is doing is with a segment of municipal EMS chiefs and with hospitals that provide that critical care service with their staff. Because we're trying to understand the dynamics of what is actually occurring with that program and where those services could be best deployed.

Ms. Helena Jaczek: Now, as part of the performance agreement, there's a requirement—and you've alluded to this—to provide a quality improvement plan. You went through sort of the five areas of concentration. The one that we have is dated 2012-13. Is the next iteration, 2013-14, being prepared?

Mr. Richard Jackson: Yes. Over the fourth quarter at Ornge—and my lens into this is being a member of the quality of care committee—the committee has reviewed, based on information from senior Ornge management, additional quality improvement metrics that could be used. One of great interest to the committee is having an understanding of how long does it take from the moment the call is made to the wheels are up on that aircraft en route? So the metrics for that have been approved by the board in March; the actual narrative report now needs to be written.

Ms. Helena Jaczek: So in other words, there will be a response-time metric that will more parallel land ambulance in terms of from the moment the call is received.

Mr. Richard Jackson: I think that would be a fair characterization of that. But right now, what the standard has been is we will—Ornge will make a decision within a certain time period of whether or not they will launch that resource. But what's important to both Ornge and the

ministry is how long does that take from that moment, to it's actually on its way?

Ms. Helena Jaczek: Right. Well, it was referenced I guess in the Auditor General's report as well, that particular issue, with a recommendation to move in a way that it sounds like it's actually happening.

So when can we expect to see the next quality improvement plan?

Mr. Richard Jackson: I don't have a specific date for you.

Ms. Helena Jaczek: Because when Dr. McCallum was here, he did acknowledge—and this alludes to Mr. Klees' questions—that there was an expectation that in terms of the availability of base aircraft, in other words, helicopter and airplane, that we would hope to see some improvement over time. Is that your understanding from sitting on the quality of care committee?

Mr. Richard Jackson: Yes, that is quite consistent with my understanding of that. And, you know, not only do I sit on the quality of care, I sit on the operations committee, which also plays into that, because ultimately patient care and patient safety has a dimension not just of the medical care, but of the ability to actually deploy the resource.

Ms. Helena Jaczek: In your understanding of the training program that's being undertaken by Ornge to bring primary care paramedics up to advanced care, advanced care up to critical care, when can we expect to see that substantially completed and have those additionally trained paramedics available?

Mr. Richard Jackson: They've reviewed their training programs and made amendments to it to, without compromising the outcome of that training, shorten the length of that training so that they can transition people to the level of care that we need. At this point, what we're waiting to receive from Ornge are the details of that plan of when that will translate into specific—

Ms. Helena Jaczek: So you don't really have a date.

Mr. Richard Jackson: Well, I don't have a date at this point. We have gained experience in understanding how long it took, how long it will take, to add a third team of paramedics at the Thunder Bay base. There are training issues that need to be—you know, the training needs to be done. There are elements in the collective agreement that exist between the CAW, who represent the paramedics. They're presently under negotiations and I don't want to prejudge the results of that, but I think one of the things from that is that we're looking at being able to improve the pipeline of paramedics.

We're also in some preliminary discussions with two community colleges to see how they can assist in that process. What happens now is that you graduate from community college and you may have an ACP qualification, but there's an additional training that requires you to take that from land to air. They're looking at exploring that with a few colleges.

Ms. Helena Jaczek: So from the perspective of the ministry and the management at Ornge, everything is being done with a sense of urgency to move this program ahead?

Mr. Richard Jackson: I think it's fair to say that—I will say that almost everything going on with Ornge is at a sense of urgency. I don't think there's anyone who is satisfied—if the resource availability isn't 100%, there's work to be done.

Ms. Helena Jaczek: In terms of the zero-based budgeting that's being conducted this year, this is clearly something new for Ornge?

Mr. Richard Jackson: Correct, it is.

Ms. Helena Jaczek: So instead of going back to a historical base and receiving requests for enhancement or whatever happened in the past, you're literally going back to zero and calculating based on need?

Mr. Richard Jackson: We've asked them and they have built their budget from what it actually costs to deliver each of those elements. It's not simply, "Let's just increase everything by 2% this year," because not everything increases by 2%—and what is driving each individual line of expenditure.

Ms. Helena Jaczek: When will that be submitted, then, formally to the—

Mr. Richard Jackson: It was submitted to the ministry on I believe January 30 of this year for their 2013-14 plan. Then we will be measuring and tracking progress against that as we go through this year.

Ms. Helena Jaczek: Sorry, there's such disruption here—it was delivered to the ministry?

Mr. Richard Jackson: The board-approved, zero-based budget was provided to the ministry, I believe, on January 30.

Ms. Helena Jaczek: Do you remember what the bottom line was, what the request was?

Mr. Richard Jackson: The specifics of the request? I'm trying to think of the exact number.

Ms. Helena Jaczek: Was it more or less than the previous fiscal year?

Mr. Richard Jackson: Yes, it is more than the previous fiscal year.

Ms. Helena Jaczek: It was more?

Mr. Richard Jackson: Yes.

Ms. Helena Jaczek: Are you aware of what's happening with the various private corporations at Ornge? We were presented with this very colourful chart with all the various entities. Would you be involved in monitoring the progress and winding up some of the for-profit entities?

Mr. Richard Jackson: This would certainly be an item that we would speak to at Ornge on a periodic basis. The chart that Mr. Klees provided, I think it actually came from Ornge. You can see the status of that in terms of the foundation and J Smarts charitable organization and what they're doing to wind that particular organization up. I know that Ornge is looking at the other elements of this that are within their control.

Ms. Helena Jaczek: And you're satisfied with the progress they're making?

Mr. Richard Jackson: I am satisfied with the progress. I think you need to proceed prudently as you wind these up. They were created for a purpose. There are

inter-linkages between them and you need to understand what those are and how those will play out. It's not as simple, I think, as just putting an X and saying, "We no longer want to have Ornge Real Estate Inc.," as they are the ones that own the building.

Ms. Helena Jaczek: Do I have time left, Mr. Chair?

The Chair (Mr. Norm Miller): Yes, you do.

Ms. Helena Jaczek: I'll leave it for the final round.

The Chair (Mr. Norm Miller): Okay, very well. You've used all your time, Mr. Klees, so we'll move to the NDP and Mr. Singh.

Mr. Jagmeet Singh: Picking up on the last question about winding down the organizations, in terms of the view in your position or in your capacity both, I guess, as the emergency health services director and specifically as Ornge oversight director, your end goal is to wind down or to ensure that all the entities are wound down—the for-profit?

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Mr. Richard Jackson: The ultimate objective of Ornge—and the ministry would certainly be in support of that—is to officially wind up the for-profit entities. They don't operate on a for-profit basis under the current regime, but that's how they are registered. The intent is to simplify this corporate organization chart so that you could actually understand it.

Mr. Jagmeet Singh: Okay. Are there any policies in place that—one of the issues that came up was providing the board of directors with a clear indication of ministry support of any initiatives at Ornge. What I mean by that is that if Ornge proposes a particular strategy, or the board of directors comes up with a particular pathway they want to go down, or the CEO has a particular vision, that the ministry should provide a clear response in terms of do they support that initiative or do they not support it—that if you are made aware of any particular initiative, what is your policy moving forward, in terms of conveying support or not?

Mr. Richard Jackson: The ministry needs to provide clear direction to Ornge or—well, I'll restrict my answers to Ornge, because that's what we're talking about—in terms of what our expectations are.

Any changes to the corporate structure require the ministry's approval. The board has initiated and is in the process of developing a five-year strategic plan. I'm glad to see that, because I think it's important to understand where it is that you're going as an organization. In terms of the discussions and focus groups that they will have within their organizations and what their strategies will be going forward, I have been invited to participate in that process and will participate in that process and be actively engaged.

Mr. Jagmeet Singh: Okay. Do you have any idea about what direction this new strategic plan will take?

Mr. Richard Jackson: I don't have any preconceived notions of what the strategic plan will take. But I very much want to see what the approaches and strategies are going to be to improve the resource availability, particularly the level of care provided by their paramedics, and

to ensure that the funding that is provided is being used to the best possible effect.

Mr. Jagmeet Singh: I'm just going to ask you some questions about the way your position works and any of the accountability mechanisms that may or may not exist with your particular role.

If Ornge does not—let's start with this first: In your capacity to oversee something that goes to the delivery of services of Ornge, if you do not pick up on or do not notice a significant drop that occurs in terms of the level of service provided—if in one month, all of a sudden there's a significant drop in staffing levels or there's a significant, or even a minor—if there's a drop in the ability to service calls, and you don't notice that or you don't pick that up, and someone else draws it to the attention of the public—perhaps an investigation by someone in the media—what would happen to you in that circumstance? How does the ministry work that way? You can educate me; I don't even know.

Mr. Richard Jackson: I'm not quite sure how to answer your question, Mr. Singh, but I'll do my best.

Mr. Jagmeet Singh: Give it a shot.

Mr. Richard Jackson: As the director responsible for the oversight of this organization, I hold myself personally accountable to ensuring that they deliver on their—I deliver on my oversight role. I can't deliver the service for them—

Mr. Jagmeet Singh: Sure.

Mr. Richard Jackson: —but in the event that it's not, that appropriate steps are taken to address those. I took on this opportunity to make a positive improvement at this organization. I'm a little invested in making sure that—

Mr. Jagmeet Singh: Sure. I appreciate that.

The Chair (Mr. Norm Miller): Thank you. We'll move to the government. Ms. Jaczek.

Ms. Helena Jaczek: Thank you. Mr. Jackson, as perhaps you're aware, Bill 11 is currently before the House, hopefully into committee soon. Did you have any input into the preparation of Bill 11? It was Bill 50 previously.

Mr. Richard Jackson: I didn't have any specific impact in terms of Bill 11. As you know, Bill 11 is Bill 50 reintroduced. The work that was done on that was done prior to me joining the ministry.

Where I have had some input is with respect to regulation 460, which, if passed, will require Ornge to be subject to the freedom-of-information legislation. When that was put out for public consultation, I was the contact person on the website where individuals could provide feedback on that particular regulation. There was none received.

Ms. Helena Jaczek: Given your expertise in oversight, do you think that Bill 11 will be important to ensuring continued accountability and greater oversight of Ornge?

Mr. Richard Jackson: I think where Bill 11 is important is the type of legislation—and someone gave me this analogy recently—it's kind of like insurance. You

don't need insurance when things are going well; you need insurance when things are not going well. So in terms of the oversight and regulatory tool kit that I think a regulator would want to have, there is the ability, if it is found that there needs to be significant change at the organization that's not taking place, similar to when that is exercised for public hospitals, children's aid societies, school boards—there are instances where you would want to have that authority to do that. You wouldn't use it recklessly or frivolously, but without having that, I don't think you have the full spectrum.

Ms. Helena Jaczek: What do you think of the whistle-blower protections outlined in Bill 11? Do you think they are sufficient, that it's going to be a useful provision?

Mr. Richard Jackson: I think any protection that is provided to people who take a whistle-blowing action is an important element. Again, in terms of that spectrum of what you want in regulation and oversight, sometimes it's the people on the ground who are the ones who are going to know what's going on the best—and that they could come forward in a way that they felt protected.

Ms. Helena Jaczek: Any time left, Mr. Chair?

The Chair (Mr. Norm Miller): Yes. You have a couple of minutes left.

Ms. Helena Jaczek: Oh, good.

In your previous experience in terms of getting complaints from employees—I'm just following up on the whistle-blower protection piece—have you felt able to deal with concerns from employees, to make change, or have you been constrained in any way given your position in the Ontario public service?

Mr. Richard Jackson: In terms of my specific experience with Ornge or—

Ms. Helena Jaczek: No. I would say just in general. You must have faced situations where there were complaints or employees who had concerns.

Mr. Richard Jackson: Certainly there have been specific instances, particularly in regulating private career colleges, where one of the inputs into understanding what was going on was the fact that you would receive complaints from either employees of that institution or students who were going there who weren't receiving that. That sheds some light and, again, adds to the spectrum of oversight that you have available to you.

Ms. Helena Jaczek: So you would say within the Ontario public service there is a desire to ensure that all complaints or employee concerns are dealt with fairly?

Mr. Richard Jackson: I'm not sure if I can speak on behalf of the entire public service—

Ms. Helena Jaczek: Your pieces of it.

Mr. Richard Jackson: —but I'll certainly speak on where I'm involved in this. I think it's critically important that people have the ability to do that.

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Ms. Helena Jaczek: Again, one of the items in the performance agreement—I think it's in schedule A—does relate to complaints. Yes, in "(A) Operations
“(3) Complaints

“(a) Receipt of complaint”—it says “immediately”;

“(b) Number of complaints”—“monthly.”

Have you been receiving these reports?

Mr. Richard Jackson: We have received those reports. At our last monthly meeting with Ornge—that would have been sometime in April—the vice-president of clinical affairs provided us with detailed information on the number of complaints: what those complaints were, how they were categorized and their state in terms of being resolved.

The Chair (Mr. Norm Miller): Thank you very much. We’re out of time. Thank you, Mr. Jackson, for coming before the committee today. It’s appreciated.

Mr. Frank Klees: Chair, if I might—

The Chair (Mr. Norm Miller): Yes, Mr. Klees.

Mr. Frank Klees: We’re just starting to scratch the surface here with Mr. Jackson. With the support of my colleagues I’d like to ask the Clerk to invite Mr. Jackson back. In the meantime, what I would like to have Mr. Jackson provide to the committee are copies of those 14 monthly reports that he’s indicated his branch has received over the last—I would say at least the last quarter. I would ask that we have that available to us by 5 o’clock Friday of this week. That shouldn’t be a problem. As well, I think Mr. Jackson undertook to provide us with the information about which staff members are responsible for analyzing which reports that he receives.

I’ll just make this comment: The reason I’m looking forward to having Mr. Jackson back is that I’m not encouraged by the fact that the very program branch responsible for oversight of our air ambulance service, the individuals—nobody in that program has any experience in either air ambulance or land ambulance. I’m concerned about that. I want to spend some more time on this issue.

The Chair (Mr. Norm Miller): Very well. We can discuss that.

Thank you for coming, Mr. Jackson. We appreciate it.

MINISTRY OF FINANCE

The Chair (Mr. Norm Miller): Our next witness today is Mr. Allen Tait, director, forensic investigation team, Ontario internal audit division, from the Ministry of Finance. Welcome, Mr. Tait. Just to confirm you’ve received the letter for someone coming before the committee?

Mr. Allen Tait: That’s correct.

The Chair (Mr. Norm Miller): Very well. Great. I understand you’re going to swear an oath, so our Clerk shall do that.

The Clerk of the Committee (Mr. William Short): The Bible should be in front of you there. Perfect.

Mr. Tait, 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. Allen Tait: Yes, I do.

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

The Chair (Mr. Norm Miller): Very well. I understand that you have a 10-minute opening statement. Go ahead, please.

Mr. Allen Tait: Thank you for the opportunity to appear before the committee. My name is Allen Tait. I’m currently acting director, forensic investigation team, Ontario internal audit division. For the remainder of today’s testimony I will simply refer to the forensic investigation team as FIT. I am a chartered accountant and a certified forensic investigator.

I’ll briefly outline my career and experience. After an 18-year career in public accounting, the last five of which running my own practice specializing in forensic investigation, I was hired by the internal audit branch of the Ministry of Transportation in 1998 as a forensic investigator. I advanced to senior manager of investigations in the 2000s and my responsibilities expanded in fiscal 2006 when FIT was converted from an MTO investigative unit into a corporate investigative resource. In August 2012 I was appointed acting director of FIT.

As I just mentioned, FIT is a corporate investigative resource available to all ministry audit service teams. FIT provides specialist investigative services to address allegations of wrongdoing against government. Perpetrators could be either internal staff or external parties. We conduct civil, not criminal, investigations. FIT is not an enforcement unit that lays charges under provincial statutes. In short, FIT is available to address allegations of wrongdoing against government where ministries do not have access to a dedicated investigative unit.

It’s important to emphasize that forensic engagements are designed to meet the standards of a court or a tribunal. FIT engagements provide conclusions on evidence collected following procedures consistent with the rules of evidence. The trier of fact must be satisfied that evidence was properly obtained in accordance with those rules of evidence before a determination can be made if the evidence can be relied upon to render a decision.

In some situations, FIT may identify circumstances that are a poor business practice or a poor value-for-money decision. Unless the circumstance represents a breach that could constitute wrongdoing, FIT would comment on such findings but not address them in depth, as those are audit issues as opposed to investigative issues.

I would now like to provide a high-level synopsis regarding the FIT role concerning the Ornge engagement. FIT was retained by the Ministry of Health and Long-Term Care. I personally attended the Ornge offices for a preliminary engagement meeting with the director, health audit service team, on December 23, 2011. For the remainder of today’s testimony I will refer to the health audit service team as HAST.

The initial purpose of the engagement was to conduct a forensic audit for the period January 1, 2007, to December 31, 2011. The audit was designed to assess the degree to which Ornge expenditures related to the provision of air ambulance services. As this was an audit, HAST initially led the engagement. Given that litigation

to recover a portion of funds was a possible result, FIT resources were assigned to provide technical support to ensure the audit met forensic standards.

On January 12, 2012, I was advised by a FIT team member that they had been provided with documents from an Ornge employee who stated the documents contained evidence that wrongdoing had occurred. Upon receipt of this specific allegation with supporting documents, measures were taken to convert the engagement from a forensic audit to a forensic investigation. FIT assumed responsibility for the engagement on January 16, 2012, with support from HAST.

This change in the nature of engagement was a necessary yet significant development. In general, case law has established that investigations have a very specific purpose: appropriately obtaining evidence to determine the validity of an allegation. In addition, case law has established that evidence obtained for investigative purposes under the pretext of an audit may be deemed inadmissible.

The investigation was designed to complete the original forensic audit objective of assessing the degree to which Ornge expenditures related to the provision of air ambulance services. The investigation was also designed to address specific allegations of wrongdoing that had been identified or were identified as the engagement proceeded.

To complete the skill set on this engagement team, forensic accounting specialists from the investigations and inspections branch, Ministry of Finance, and IT forensic specialists from the corporate security branch, Ministry of Government Services, were assigned to the engagement team. An investigator was assigned to lead each allegation that was under review. Major steps they took would include reviewing of documentation, conducting interviews and reconciling the paper trail to the cash flow analysis. That was a separate team, with the forensic accountants focusing on the cash flow portion.

Given the five-year scope and complexity of some of the allegations, it took several months of concentrated effort to complete this investigation.

Thank you. I'll now address any questions that you may have.

The Chair (Mr. Norm Miller): Thank you very much. We have about 17 minutes for each caucus. We'll start with the NDP: Mr. Singh.

Mr. Jagmeet Singh: Thank you very much for attending today, sir. Just to clarify: You've been engaged by the Ministry of Health and Long-Term Care. Is that correct?

Mr. Allen Tait: That's correct.

Mr. Jagmeet Singh: Do you have any involvement with the OPP investigation?

Mr. Allen Tait: The OPP investigation is a criminal matter.

Mr. Jagmeet Singh: Yes.

Mr. Allen Tait: I'll take a few minutes to explain and provide some context.

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Mr. Jagmeet Singh: Sure.

Mr. Allen Tait: With respect to the OPP, the OPP was aware that our civil investigation was ongoing; the OPP were retained in February to conduct a criminal. The OPP could not and did not provide us with any instruction on how to conduct our investigation. The OPP had no issue with us continuing to do our work.

When our work was completed at the end of June, we were approached by the OPP. They were advised of our status; they knew it was completed. The OPP did ask for, through appropriate channels, a copy of our report, which has been provided. As such, the client has understandably been quite careful in protecting information, as no one wants to compromise the ongoing criminal investigation.

Mr. Jagmeet Singh: Okay. As it stands right now, has the OPP advised you that the details of your findings are sensitive enough that they should not be disclosed in a detailed—as opposed to the higher level, a detailed level that should not be disclosed? Is that what your understanding is?

Mr. Allen Tait: On advice of counsel, we advised the OPP that I have been called to attend. They advised me to answer the questions in a full, frank and fair manner.

Mr. Jagmeet Singh: And did they provide you with any concern that your answering these questions would jeopardize their investigation in any way?

Mr. Allen Tait: I interpret their instruction—they gave me no special instruction on restriction of what I can say in this room today.

Mr. Jagmeet Singh: That's good.

Mr. Allen Tait: So I interpret that as—

Mr. Jagmeet Singh: I think that's a fair interpretation. Okay, wonderful.

In terms of your findings, have you been able to—just to frame your investigation, the information you obtained, you have obtained it in a manner that's evidence so that it can be used in a court of law? Is that correct?

Mr. Allen Tait: Under a civil investigation, correct, yes.

Mr. Jagmeet Singh: That was my next question. You're framing some of your investigation in terms of wrongdoing in a civil context?

Mr. Allen Tait: That is correct. The reason why I stress the word “civil” is—for example, in terms of interviewing, because we are not a police agency, we would not issue a criminal caution in conducting interviews, that scenario. As a result, because we're not issuing cautions, there's a limit—like, it would not be admissible for criminal purposes.

Mr. Jagmeet Singh: Fair enough. That makes sense. That's actually very helpful.

Based on what you've found, have you found evidence of civil wrongdoing at Ornge?

Mr. Allen Tait: I'm reflecting on the best way to answer your question. As an investigator, we have found evidence that has significant findings. So the trier of fact—

Mr. Jagmeet Singh: Right.

Mr. Allen Tait: It does have that responsibility to determine guilt or innocence.

Mr. Jagmeet Singh: Yes, make a determination.

Mr. Allen Tait: It's fair for me to say that. There are findings in the court that a trier of fact would be looking at.

Mr. Jagmeet Singh: Could you highlight some of these issues that a trier of fact would be looking at?

Mr. Allen Tait: I'll outline some of the significant areas of our investigation.

Mr. Jagmeet Singh: Yes, please.

Mr. Allen Tait: We reviewed the corporate structure, we reviewed the cash flow and how the cash flow was flowed for the entire five-year period. We did look specifically at areas that were known in the press at the time, in the media, for example, the Agusta transaction. We do have a section where we did that form of analysis.

In addition, we looked at remuneration. We looked at the costing of the various services that are being provided. There were some smaller allegations that came up or areas of concern about certain transactions within that, which we did take a look at.

Mr. Jagmeet Singh: Let me pause you there. You looked at remuneration; I follow you there. When you said "costing of services," what did you mean by that?

Mr. Allen Tait: With the structure of the Ornge—the term used in our report is "conglomerate."

Mr. Jagmeet Singh: Sure.

Mr. Allen Tait: Because you have the 20 entities. We ran into a situation where there was a series of what we would call a related party transaction.

Mr. Jagmeet Singh: Sorry, what type of—

Mr. Allen Tait: A related party transaction. What I'm referring to there would be a situation where you have two entities that are what's considered not at arm's length because there's some type of common ownership or governance. So it's fair to say that by structure, the possibility of the business relationship between related parties might not be at traditional commercial terms that two arm's-length parties would conduct themselves.

Mr. Jagmeet Singh: So that's an area where the costing of services between two related parties that are not arm's length within the conglomerate would be an issue. What you have found would be something that you could present before a trier of fact?

Mr. Allen Tait: Well, we identified that as an issue. We thought it was our responsibility to do a fulsome investigation to consider that particular issue.

Mr. Jagmeet Singh: And do you still maintain that is an issue that you would raise?

Mr. Allen Tait: The evidence we found, we did not find significant discrepancies compared to—

Mr. Jagmeet Singh: Oh, you did not?

Mr. Allen Tait: No. I'm answering the question, which is the scope; we had a very broad scope. We felt a responsibility to have a very broad perspective on these different issues. We also looked at the sale and leaseback of the building.

Mr. Jagmeet Singh: Okay. And what did you find with respect to that? Any issues?

Mr. Allen Tait: There is an issue that would still need to be looked at. For example, on the—it's been reported publicly that the Auditor General also looked at the issue. It's been reported publicly that there's a difference of opinion. The Auditor General's office has some questions about the valuation that's been conducted. There was documentation on the file where another professional firm has provided a contrary opinion. So we now have a situation where you have two professionals who do have a difference of opinion.

As forensic investigators, we are not certified business evaluators, so we are not going to provide an opinion one way or another. We don't have those qualifications, but another objective of an investigator is to be fair to all parties. That's part of the process. So we have documented that there is a difference of opinion, and if it is an area that needs to be pursued further, there would have to be, in effect, a third-party qualified expert looking at the different positions out there, but we have reported on that.

Mr. Jagmeet Singh: Okay. Now let me just narrow in: What evidence have you obtained in these specific areas that would be presented before a trier of fact to make a decision whether something's wrong or not? Obviously you can't make that determination, but what evidence have you collected that would be presented with respect to the—let's talk about perhaps the corporate structure, the cash flow and the Agusta dealing.

Mr. Allen Tait: The process that we followed was, we prepared a document, a formal report, and that report is supported by what we call an evidentiary—we call it a tabbed binder, a binder of evidence. If a party needed to pursue this documentation, they could read our report, which is our analysis of our procedures, evidence we collected and our conclusions on the evidence. They could refer to the documentation that we've obtained. All those detailed materials were accessed by the OPP under appropriate authorities so, as a result, they have not been—we have to be very discreet in getting into the different details.

Mr. Jagmeet Singh: I understand.

Mr. Allen Tait: We don't want to jeopardize that investigation.

Mr. Jagmeet Singh: I understand. So you can talk about what you've done, but you can't talk about your exact findings as of yet?

Mr. Allen Tait: At this stage, I'm providing as fulsome answers as I believe are appropriate.

Mr. Jagmeet Singh: I understand. Okay. Were there any other areas of concern that you had or areas that you investigated besides the corporate structure, the cash flow, the Agusta deal, remuneration, costing of services? Was there anything else?

Mr. Allen Tait: We did look at the—we covered the building, the air—the air covered a lot. We did look at the land ambulance program.

Mr. Jagmeet Singh: Okay.

Mr. Allen Tait: The reason why we looked at the land ambulance program was because that is under a separate arrangement and the terms of that agreement differ from the air ambulance agreement. As a result, we felt a responsibility to look in those areas and determine if the charges were appropriate, and we did identify some concerns there.

Mr. Jagmeet Singh: Okay. I'm going to double-check how much time I have.

The Chair (Mr. Norm Miller): You have six minutes left.

Mr. Jagmeet Singh: Okay. Wonderful. Were you able to determine whether money that flowed in to the not-for-profit side—you're well aware of the for-profit and not-for-profit side obviously?

Mr. Allen Tait: Yes.

Mr. Jagmeet Singh: You're probably much more intimately aware than I am. So money that flowed in from the not-for-profit side, were you able to confirm that that money was used in the for-profit side for private ventures?

Mr. Allen Tait: In terms of the cash flow, what our overall conclusion was, we were able to map it. We actually have prepared cash flow diagrams in our document. We've determined that roughly 93.5% of the total monies in the conglomerate were ministry-related. We did identify some specific transactions such as the debenture; there was a bond based on the value of the sale-leaseback of the building. There were a few miscellaneous donations. There were some sources independent of the ministry. But the conclusion on that particular issue was that the investigation did not identify any regular—we did not identify a regular source of revenue that was not ministry-related.

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Mr. Jagmeet Singh: Okay. Did you have any issues obtaining all the documentation that you required? Did you—

Mr. Allen Tait: When we went on-site with interim CEO Ron McKerlie, he pledged full co-operation, and in our view the co-operation was—the staff did the best that they could. With a five-year scope, with departed staff, there were some documents that, through no fault of existing staff, couldn't be located, or we didn't have an opportunity to try to get a version of events from those who were no longer there. So in one sense, we did have a scope limitation that way, but it was not because we weren't getting co-operation from the current staff.

Mr. Jagmeet Singh: I understand. Were there any significant transactions based on this five-year gap, or this five-year time period going back—were there significant transactions that you felt, because of that time being elapsed, you weren't able to get sufficient information to be able to conduct a fulsome investigation? Any significant areas, like the ones we touched on?

Mr. Allen Tait: I think it would be fair to say as—I'm not privy to what the OPP is looking at. The possibility, I would think, would exist that the OPP is looking at areas that we looked at. The fact that they are still investigating

would suggest that there is evidence that still needs to be collected.

Mr. Jagmeet Singh: Okay. But is it the case, due to no fault—just due to the reality of the circumstances, because of a five-year time frame—that there's just information that you're not able to access at this time, that will leave some issues unanswered?

Mr. Allen Tait: In terms of our report, we've concluded to the best of our ability, on the information that we had. In terms of process, for a fair investigation, if you have concerns, the normal process would be to ask the party who was involved in transactions where you have concerns for their version of events. For those individuals who are no longer in the employ and we can't compel them to speak, that type of information would be missing.

Mr. Jagmeet Singh: Okay. I'm going to ask you some questions now regarding Dr. Mazza and some of the loan arrangements that were set up through Ornge. Did you reach any conclusion with respect to those loan arrangements?

Mr. Allen Tait: In terms of conclusion—we did look at the loan arrangements.

Mr. Jagmeet Singh: Yes, did you find any—

Mr. Allen Tait: The report found that there were three—loans were advanced; we identified three specific transactions.

Mr. Jagmeet Singh: Yes.

Mr. Allen Tait: We found that the documentation supporting those transactions was inconsistent.

Mr. Jagmeet Singh: Okay. Can you elaborate on in what manner they were inconsistent?

Mr. Allen Tait: I'm not trying to be—again, it's getting into—without being able to present the documents, but in terms of approvals, to the best of my recollection, we'd have a situation where one of the documents—there appeared to be a form of approval from the board. There appeared to be email approval on one and, to the best of my recollection, on one, we did not find any evidence of approval.

Mr. Jagmeet Singh: Okay, interesting. In terms of your conclusions in a broad sense—this type of transaction, where the board approves of loans to the CEO of an organization—did you reach any conclusions whether that's something that's an approved practice, an unapproved practice, frowned upon, or fine?

Mr. Allen Tait: Again, as an investigator, I wouldn't necessarily—I wouldn't be drawing a conclusion on whether or not it's a standard business practice. That really would be, in the audit, germane. The question that a decision-maker is going to have is, "Was there an approval, yes or no?" And once I provide those different facts, there are going to be other individuals who would say whether or not this was an acceptable or unacceptable practice.

Mr. Jagmeet Singh: Fair enough. With respect to the corporate structure, what conclusions can you share with us?

Mr. Allen Tait: We identified 20 entities. We prepared our own chart. We reconciled the entities to the

minute books. We looked to identify if the minute books were up to date or if they needed updating. We reviewed the board members to look to see if there were elements of common control. Those are some of the key points that we factored on there.

Mr. Jagmeet Singh: Okay.

The Chair (Mr. Norm Miller): Thank you. We'll move to the government: Ms. Damerla.

Ms. Dipika Damerla: Thank you, Chair, and thank you, Mr. Tait, for coming. I know this is not an easy process to have to go through.

I'd like to start at the beginning. So you were hired by the Ministry of Health; would that be correct?

Mr. Allen Tait: Yes. The Ministry of Health and Long-Term Care was our client, correct.

Ms. Dipika Damerla: It suggests that the ministry really wanted to get to the bottom of things, the fact that they hired the FIT of their own accord.

Mr. Allen Tait: Yes. They wanted to bring in the investigative specialist, because even at the audit stage, they were considering court action, hence the term "forensic," which is why I spent a bit of time to introduce that term, because I think it is relevant to understanding our role versus a traditional audit.

Ms. Dipika Damerla: Yes. Just based on your conversation with Mr. Singh, the sense I've gotten is you have completed your investigation and now you're going to be presenting it to a trier of facts? I wasn't quite sure what that was about. Could you explain where you're at in the process?

Mr. Allen Tait: Sure, yes. In this situation, there's a unique set of circumstances. In the majority of the investigations where we're retained, the general process would be that the civil investigation is completed in its entirety; we would then report to our client; our client would make decisions about contract issues, labour issues, depending on what the scenario is; take action on that; and then they would consider if we believed that there has been some type of potential breach of the Criminal Code and make the referral at that particular time.

In this particular circumstance—although it's not unusual; it's not the first time I've had this type of experience where there has been a concurrent investigation. I've done them before, and we did them in this case. What happened in this particular case does make sense, because there was a lot of publicity about what the issues were and, as a result, once there was reason to believe there were some potential breaches, the OPP had to initiate criminal procedures, which gives them access to information that as civil investigators we don't. For example, as a criminal investigator, they can go to a judge and get a search warrant, obtain personal bank records etc. As a civil investigator, I don't have access to that type of information.

Ms. Dipika Damerla: So you've completed your investigation, and you've got your report. What are you going to do with that? It's not clear to me.

Mr. Allen Tait: Okay. At this point, the normal process would be that we would present the report to the

client, the client would make a series of decisions, and then, you know, consider referrals etc. In this particular case, the OPP did request access to our report. As a result—and we did receive instruction from the OPP that they did not want the details in this report in the public domain.

Ms. Dipika Damerla: Yes, of course.

Mr. Allen Tait: That would damage the investigation. So, therefore, the report is available, and it will be made available to those, as needed, for purposes to move forward, with the proviso that no one wants to compromise the criminal—

Ms. Dipika Damerla: Okay. So when you started the investigation, was there any part of the old management or the old board still operating that you had access to when you started the investigation?

Mr. Allen Tait: I just need a moment just to reflect back mentally in my timeline here. When we first began—on December 23, Dr. Mazza had already left. Mr. Beltzner I did not meet personally. He was on the teleconference on December 23. If my memory is correct, Mr. Lepine was in the room and Mr. Tavender was in the room. Essentially, as we got the forensic audit going, very early on in the engagement, Ron McKerlie was appointed. So in terms of interviewing some parties such as Mazza, Renzella etc., we never really had those opportunities because we really weren't in an investigation mode at that time.

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Ms. Dipika Damerla: But Mr. Beltzner—you've had some interaction with him?

Mr. Allen Tait: Personally, I was only involved with him on the first telephone conference on December 23. After that, I did not have any direct interaction.

Ms. Dipika Damerla: Can you characterize for me what your sense was of that interaction with the chair, Mr. Beltzner? Did he seem co-operative? Did he seem defensive? What was your sense? Did he have a sense of the scope of the issues that his organization was facing?

Mr. Allen Tait: In the meeting on December 23, on the teleconference, Mr. Beltzner instructed his team on the teleconference to provide full support. Mr. Beltzner stated that, in his view, to the best of my recollection, it was in the best interests of all parties that the issues be investigated by qualified investigators so that the issues get resolved, because it was taking a toll on everybody, with a lot of concerns being expressed in the press.

Ms. Dipika Damerla: Okay. I know you mentioned that your investigation looked at a number of areas of Ornge.

Mr. Allen Tait: Correct.

Ms. Dipika Damerla: I'd like to know more about, when you were doing your audit and you went through—to me, I'm really interested in the role that the board played and whether you investigated the extent of their governance and whether you were able to find a pattern or anything that showed that perhaps they didn't discharge their fiduciary responsibility to the government of Ontario as best as they should have?

Mr. Allen Tait: Okay. We did address governance but not as an allegation specifically. In an audit role, an audit procedure would often be looking at the board governance. What we would do is, we would look at specific allegations where someone said that there may be some type of inappropriate conduct or wrongdoing. In the course of doing that work, we would look to see if it's relevant that the board should have had an oversight role. We would comment on it. But it's not in relation to overall board governance; it's in relation to how a specific issue, such as the question a few minutes ago about what evidence did we see of board approval or non-approval on loans—so we would look at it in that sense. That's why I'm saying that when the report is looked at by certain parties with different perspectives, they would look at the report in its entirety and then a trier of fact would make a conclusion on how they felt the board executed their responsibilities. It really wouldn't be the investigator looking at that—

Ms. Dipika Damerla: Okay. So what I'm really looking for: In your opinion, as an investigative auditor, do you think that the board fulfilled or discharged its responsibilities in the way they should have, or did you find that there was a pattern—let me give you an example: that perhaps the minutes were not maintained to the highest standard, or there wasn't fulsome documentation. I just want to get a sense of your overall audit. When you went through all of the board's minutes, the way they made their decisions, did you find—were they discharging their duties to the best of their abilities or not?

Mr. Allen Tait: I will speak first in terms of overall board performance; then I'll have to speak more on an individual level. From an overall board performance, in the review of the corporate structure, we did find situations where there were some incomplete minutes; minute books not up to date. There were some transactions where—you know, where was the board oversight? In that sense, someone may review our report and form an opinion on the board governance.

The question about individual responsibility, though, is somewhat more difficult because what we wouldn't have access to as an investigator is, we don't know what each individual member had been provided with when they were making some decisions. In that sense, I cannot answer properly that question in terms of how each individual performance did because I don't have that information. That was actually not within the scope of what our investigation would have covered directly.

Ms. Dipika Damerla: Okay.

The Chair (Mr. Norm Miller): Ms. Damerla, can I ask you to just move a bit away from the microphone, please?

Ms. Dipika Damerla: Oh, is it too loud?

The Chair (Mr. Norm Miller): Yes, just—there we go.

Ms. Dipika Damerla: Usually I have the opposite problem. Okay.

Coming back to the ministry, one of the challenges that ministry officials have said they had in providing oversight was that they found that both senior management and the board were not co-operative. When they asked for documents, they didn't get documents, and they were strung along.

In your audit, did you find evidence of that, that ministry officials were asking for information but Ornge and its officials were dragging their feet in providing that? Perhaps they didn't say no, but they weren't really jumping up to provide the information.

Mr. Allen Tait: In our experience when interim CEO McKerlie was on board, we did not have any delays I'd consider significant. Did I get everything immediately? No, but that's not a realistic expectation. Did everything get sorted out? I did not have to go to Mr. McKerlie and say, "I need you to"—

Ms. Dipika Damerla: Sorry. My question was, when you were doing the audit over the five-year period, did you see evidence—not your personal experience, but the experience of, say, an ADM or whoever was responsible for oversight for Ornge? When bureaucrats were seeking information from the old Ornge management, they had said that there was a delay—

Mr. Allen Tait: Did we see documentation suggesting that there was not—

Ms. Dipika Damerla: Yes, and did you find evidence of that in your audit?

Mr. Allen Tait: Yes.

Ms. Dipika Damerla: How good or bad or extensive was this? You've done a lot of audits, so characterize it for me. Was it like stonewalling? How would you say it? Was there a pattern?

Mr. Allen Tait: We did find evidence that some of the reporting was delayed. We do see situations where documents weren't filed on a timely basis. We did find certain circumstances where we questioned the accuracy of the data that was filed.

Ms. Dipika Damerla: So would you say, based on what you noticed, that it would have been difficult for the government of Ontario to do its job of oversight adequately, given the lack of co-operation? It wasn't for lack of wanting to provide oversight, but rather being blocked from doing so.

Mr. Allen Tait: From our evidence, I can say that if we did see situations where information was not provided properly or not provided on time, yes, it would create difficulties. As an investigator, again, under my code of conduct, I can't assign guilt or innocence to any party. So I can tell you what I saw, and yet really to conjecture that would lead to difficulties.

Ms. Dipika Damerla: That was very helpful.

One of the things that I've been really interested in is taxpayer money; it's used for not-for-profit ventures. But in the case of Ornge, some of that money flowed to the for-profit venture. I just want to understand, from your forensic investigation—I think Mr. Klees once said, quite eloquently, that sometimes it can be legal but not right, or it could be plain illegal. I just wanted to know: This flow

of money, was it appropriate within the parameters of everything that was established, the flow of taxpayer money to the for-profit units of Ornge?

Mr. Allen Tait: I think it's fair to say that we are aware there's a criminal investigation ongoing. I don't know what they're looking at. There is a probe going on, so I don't think it's appropriate for me to go really beyond that, but state that there is a criminal probe going on right now.

Ms. Dipika Damerla: My other question was this: You'd earlier said that 97% of Ornge's funding was the government—

Mr. Allen Tait: It was 93.5%.

Ms. Dipika Damerla: Yes, 93.7%?

Mr. Allen Tait: That's 93.5%.

Ms. Dipika Damerla: Oh, 93.5%. I'm curious about the 6.5%. Where did that money come from?

Mr. Allen Tait: Again, we calculate that number based on the total cash that we were able to identify in our methodology. The biggest source of cash outside of that was the debenture that had been issued of about \$234 million. There was a \$23-million bond on the sale-leaseback based on the net present value of the lease. There were some small donations made. There were some fundraising donations, that sort of scenario. There were GST-HST rebates, that type of scenario. So that type of funding was there. When we added all the numbers up, that's how the percentages came out.

Ms. Dipika Damerla: I'd probably argue that a GST rebate is still government funding, but we'll let that be.

One of the things that I am curious about is, in your audit, were you able to establish whether the board at times was spending taxpayer money without consideration to value for money?

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Mr. Allen Tait: Again, the value-for-money question is really the domain of the audit team, as opposed to what we would look at. An individual could certainly look at the findings of our evidence in the issues that we looked at and I'm sure any reader would form an opinion as to value for money, but as investigators, we're looking from a mindset of, is there evidence that proves, disproves or is inconclusive as to an allegation of wrongdoing? If we find wrongdoing, some may conclude by extension that means that it's not value for money, but the value-for-money audit methodology is significantly different from an investigative methodology. So I don't want to make an inappropriate inference.

Ms. Dipika Damerla: Yes, I understand that. Fair enough.

The Chair (Mr. Norm Miller): You're on your last minute.

Ms. Dipika Damerla: I'm on my last minute, so I just want to ask, if you had to say two things that you learned from this forensic investigation of Ornge, what would they be?

Mr. Allen Tait: Wow.

Ms. Dipika Damerla: I'll make it one; it's okay.

Mr. Allen Tait: It was a very interesting intellectual challenge as an investigator to take on this large entity

and to structure methodology to get down to the root solution—that was quite stimulating—the challenge of looking at the paper document and reconciling it back to the cash to do what we call a two-way investigator approach to ensure that we hadn't missed significant issues. Those were the two things I found quite interesting in the methodology that we can carry forward in other engagements.

Ms. Dipika Damerla: Thank you.

The Chair (Mr. Norm Miller): Thank you very much. We'll move to the opposition. Mr. Klees.

Mr. Frank Klees: Mr. Tait, thank you for joining us today. I'd be interested in your reaction, based on your investigation, and if you consider the following statement credible: Any of the money that was used by any of the for-profit entities in this corporate conglomerate was all unrelated to Ministry of Health funding and was strictly generated through private investors.

Mr. Allen Tait: Mr. Klees, I just want to get clarity on your question. When you make the reference "generated by private investors," does that mean actively soliciting money from external sources?

Mr. Frank Klees: Any external sources other than the Ministry of Health.

Mr. Allen Tait: The external sources were the roughly 6% we identified. In terms of the business model, there was a business model designed and they were in the process of executing the business model.

To an extent, I have to defer this. In the report, it will document the monies we identified and how they were flowed. You could get people who would look at the facts that we have identified as investigators. There are maybe some who would actually support that model; there would be some who would not agree with that model. That gets into the notion of trier of fact, and that is something where, as an investigator, it's really inappropriate for me to come to a conclusion on whether I personally agree or disagree with what was done.

As the investigator, what I can tell you is that our work has documented where the money went and how it was transferred between the entities in that. There are individuals who need to know for operational purposes; they can look at the facts we have gathered. It is appropriate for them to make a decision on what was and what was not appropriate.

Mr. Frank Klees: I'm not asking you to make a judgment about what was appropriate or inappropriate.

Mr. Allen Tait: Okay.

Mr. Frank Klees: My question is this: Based on your investigation, did Ministry of Health funds flow into any of the for-profit entities?

Mr. Allen Tait: Yes.

Mr. Frank Klees: Okay. I'd like to discuss the commercial terms. Did your investigation deal with any relationships that shareholders, employees or board members of the Ornge conglomerate have to any real estate transactions or financial transactions that Ornge undertook?

Mr. Allen Tait: In the section of our report on the corporate structure, we did spend a significant amount of time documenting the board membership of each individ-

ual entity, so we do have charts in the report that are able to identify who belonged to what board. When someone would look at the cash flow, you would then be able to see the extent of, shall we say, common interest. Those types of facts are documented in the report.

Mr. Frank Klees: So you did find some common interests?

Mr. Allen Tait: There were some board members who were on a significant number of the 20 entities in the conglomerate. We didn't find anyone who's on all 20, but we certainly did find some who are on more than half.

Mr. Frank Klees: There was one transaction that involved the acquisition of a hangar in Hamilton.

Mr. Allen Tait: Yes.

Mr. Frank Klees: We have information that one of the key employees of Ornge, I believe Ms. Renzella—

Mr. Allen Tait: Yes.

Mr. Frank Klees: Her spouse actually owned that hangar. Can you confirm that was the case?

Mr. Allen Tait: I can confirm that we looked at that in our investigation. I can confirm that we did verify that fact. We did look to see if there's a conflict of interest declaration declared and we determined—the documentation we had was that there was a verbal declaration of the conflict and we did not find evidence that that executive had signed on any documentation in relation to that hangar.

Mr. Frank Klees: With regard to any of the financial interests that you found that board members or key executives may have had, did you find a consistent declaration of conflict in writing?

Mr. Allen Tait: No.

Mr. Frank Klees: Were there any?

Mr. Allen Tait: To the best of my recollection, there were some, but I would not consider it complete.

Mr. Frank Klees: I'd like to speak about the bond offering, the \$275-million bond offering that was floated, and then a \$30-million debenture that was floated. You're familiar with these offerings; you've read, I'm assuming, that bond offering. As I read it, any investor looking at that bond offering would have concluded that the government of Ontario stood behind that offering and the comfort that I would take as a potential investor is that I would be very secure, as an investor, because of the role that the government of Ontario is playing as the sole funder of Ornge. Would you agree with that conclusion?

Mr. Allen Tait: I have difficulty commenting on it, because I also believe that any investor has a duty to do their own personal due diligence, so as an investigator I'm not sure it's appropriate for me to comment on the due diligence of a potential investor in any investment, aside from they would do their own due diligence.

Mr. Frank Klees: From your perspective, though, as a forensic investigator—if I'm an investor, the due diligence I would make is that I would read the bond offering. If in fact the bond offering makes it clear that the government of Ontario is the sole funder of this organization and I did my due diligence and found out that, in fact, Ornge itself, as the entity, is a shell—there

was no other revenue, there's no history to any other revenue—the conclusion would be that I'm really doing business with the government of Ontario. Isn't that right?

Mr. Allen Tait: If a potential investor wants to form that conclusion, I would have to have that conversation with that potential investor.

Mr. Frank Klees: Okay. I'd like to talk about the loans. The loan documentation that we've seen—I'm sure they're the same ones, I would think, that you saw. Chris Mazza pledged shares of, in one particular case, I believe it was Ornge Peel securities. We were told by Mr. Beltzner that at the time that he accepted, as chair, those pledges to secure that loan, Mr. Beltzner represented that the value of those securities was somewhere in the range of \$200 million. Did you, in your investigation, find any evidence of any value of those shares that were pledged? Was it \$200 million, or did you find any value in any of those shares?

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Mr. Allen Tait: In terms of the security that was pledged, our focus on the debenture issue was how the monies were actually used. I do not recall getting into that piece of that particular issue.

Mr. Frank Klees: So you didn't see the actual loan documents when Chris Mazza was advanced, in one case, \$450,000? Another was \$500,000; another was a \$250,000 advance of his bonus. Did you not see those documents?

Mr. Allen Tait: My investigator who was in charge of that section—I do recall, like, those were the three transactions. We focused on what the authorization was for those particular loans, and I have commented on that. At this stage, I do not recall details beyond that level.

Mr. Frank Klees: There are certain bylaws that the organization was operating under. Did you review the bylaws that were to have guided the directors of Ornge?

Mr. Allen Tait: We did not do an investigation of the performance of the directors and their compliance with those bylaws per se. When we looked at some of the transactions or some of the issues that were of concern, we would look at how the director dealt with that particular allegation issue. So it does get back to the point that you're raising, sir, but we didn't treat it as a specific allegation issue.

Mr. Frank Klees: The reason that I raise that is that those bylaws—I had a hard time following them. They would be issued and then amended. They would start off by saying that directors are to receive no compensation, and yet we see evidence of directors having compensation that goes far beyond what any not-for-profit organization might have.

In your investigation, did you specifically look at Chris Mazza's compensation and the various sources of his compensation within that conglomerate?

Mr. Allen Tait: Yes, we did, and we did look at other executives also.

Mr. Frank Klees: Can you just comment as to the appropriateness of the flow of funds? Were there red flags there that your investigation would have pointed to, that caused you concern?

Mr. Allen Tait: In our report, the reference we made to the specific—we did address the specific issue in our report. As I said, we summarized the executive compensation issue. We presented what the monies were. We've also presented what the rationale was for it, and we did make a statement that as for a value—this is a value-for-money issue. A reader can look at the facts and they're definitely going to form their own opinion as to whether or not it's a value-for-money issue. Again, we're not going to do a civil investigation on value for money per se, but we have got the information there for those to make those judgments.

Mr. Frank Klees: Your investigation would have taken you to the so-called marketing service agreement—the agreement between AugustaWestland and Peel.

Mr. Allen Tait: Yes, yes. I know what you're referring to, yes.

Mr. Frank Klees: The flow of funds, as we have had it positioned with us here in the committee, was that Ornge overpaid on their contract for the aircraft purchase agreement, and that an equal amount of the overpayment was then redirected back to Ornge Peel. Did your investigation uncover any evidence of that?

Mr. Allen Tait: We have a detailed analysis of that cash flow. I do understand what you're saying. We do have documentation in there. I'm not sure how much I can say because, again, I'm not sure what is with the OPP.

Mr. Frank Klees: I understand. I was just interested, and it's reassuring, to know that those transactions, which are obviously of great concern to us, were dealt with.

Just one last question for you: Back in 2008, Mr. Keith Walmsley wrote a letter to Margaret Best in which he, as someone who was an analyst within Ornge, indicated that he had uncovered or had concerns about a number of things that were going on at Ornge. I understand that the audit team was brought in. Were you part of that team that then looked into transactions at Ornge, accusations of a double set of books, payments and so on?

Mr. Allen Tait: Yes, I can speak to the Walmsley letter.

Mr. Frank Klees: Okay.

Mr. Allen Tait: We were advised that there was a concern by Mr. Walmsley about a second set of books, and according to my paper file, November 18, 2008, I believe—it might have been 2008 or 2009. Because the allegation referred to a second set of books—now that has a very specific meaning in the world of investigation. What that means in our experience as investigators is, a company has got one set of books that they want to produce for, say, investors that shows a very rosy picture, and another set of books which might show a significantly lower income for, shall we say, tax purposes.

Our normal process when we have these types of allegations is, when we get a request for service, we log it, we have a number; we then assess what the allegation is, we assess what the rationale is for the allegation, what the basis is. If we believe there is actual evidence that would let us come to a conclusion on this particular

allegation, where if there's another method that would be more cost-effective—because investigations can be very timely and costly.

Given that there was an allegation of a second set of books, I assigned a team of two; we normally do an interview with two people. In their careers they have done second-set-of-books allegations, so I wanted to have qualified people interviewing Mr. Walmsley. They contacted Mr. Walmsley. The interview was conducted on November 20. We had it at a location that Mr. Walmsley was comfortable with. We digitally record the interviews; that interview was recorded. We also spent a little over an hour with him.

In that interview, it turns out that he had been with Ornge about three months. A lot of the information that he had he identified was basically from what he could hear from rather loud discussions in this open concept. He didn't have any documents per se that he could demonstrate, he hadn't actually performed these transactions he was concerned about when he was looking at the cash flow, and he also said he had two other witnesses who might be willing to come forward who could provide some stronger evidence. Unfortunately, those individuals weren't willing to speak to us.

Based on that information, I prepared a communication to HAST on November 25 where I summarized what had transpired in our interview with him. At that time on that evidence, I did not see sufficient grounds to launch an investigation for a second set of books. I did know that there was some ongoing work being done at Ornge. I shared the information with HAST and the next I was called in to HAST was on December 23.

Mr. Frank Klees: We have one minute?

The Chair (Mr. Norm Miller): One minute.

Mr. Frank Klees: Mr. Walmsley did make a number of other accusations about exorbitant bonuses and so on and so forth, and that was back in April 2008.

Mr. Allen Tait: Okay.

Mr. Frank Klees: In retrospect, we now know that many of the concerns that Mr. Walmsley had about what was going wrong at Ornge, even though he may not have had the particulars—if we had to do it over again, had we launched a deeper investigation of Ornge at that time, we could have saved a whole lot of agony and perhaps millions of dollars. In retrospect, Mr. Tait, would you have done it differently?

Mr. Allen Tait: I continue to follow the same process. At any given point in time, I will look at the evidence that I have, what the allegation is, what the evidence is, and if I believe the right thing to do is to investigate, I will recommend that the investigation occur.

In this particular circumstance, with the information that we had—I know there was ongoing work going in. I reported what we had. I did not see grounds to proceed. I know there was ongoing work going on, and—

The Chair (Mr. Norm Miller): And thank you very much for coming before the committee today, Mr. Tait. It's very much appreciated.

The committee is adjourned until next Wednesday.

The committee adjourned at 1500.

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