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**Official Report
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(Hansard)**

Tuesday 18 February 2014

**Journal
des débats
(Hansard)**

Mardi 18 février 2014

**Standing Committee on
Government Agencies**

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Tuesday 18 February 2014

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*The committee met at 0838 in committee room 1.*AGENCY REVIEW: METROLINX
COMMITTEE BUSINESS

The Vice-Chair (Mr. Rick Bartolucci): I'd like to call the committee meeting to order and welcome all of us back. I hope you had a good break. I look forward to probably what's going to be a very, very exciting session, as it should be, for the people of Ontario. I know this committee is always very, very exciting, and so we look forward to that. I am subbing in today for Lorenzo as he's away, ill.

So we will reconvene. There was a motion by Mr. Marchese. It was, "I move that the Standing Committee on Government Agencies request from Metrolinx and the Ministry of Transportation the production of all documents and correspondence related to any market studies conducted between January 1, 2010, and December 3, 2013, related to ridership projections for the air-rail link; and that these documents be produced within 30 days of this motion passing; and that responsive documents be provided in an electronic, searchable PDF."

There was an amendment to that motion. It was moved by me: "I move that the following sentence be struck from the main motion:

"that these documents be produced within 30 days of this motion passing; and that responsive documents be provided in an electronic, searchable PDF."

It was going to be replaced, if successful, with:

"that these documents be produced within 60 days of this motion passing, and that responsive documents be provided in an electronic, searchable PDF."

We had just begun the debate on this amendment, so I would imagine we will continue the debate on this amendment.

Let me say that now that I'm in the chair, I will only make one comment. The reason that I made the amendment was to provide for more time to do as thorough a job as possible so that the material sent and brought to this committee is as thorough as possible.

Having said that, we will move on with the discussion. Is there any discussion? Kevin.

Mr. Kevin Daniel Flynn: Thank you, Mr. Chair. Welcome back to you and to everybody.

The Vice-Chair (Mr. Rick Bartolucci): Mr. Flynn. Excuse me.

Mr. Kevin Daniel Flynn: "Kevin" is great.

It's interesting to note that the reasons that we put forward for the extension of this time, I think, were constructive reasons. I think any expert advice that we've had, and the experience that we've seen so far when any committee has asked for any documents, is that, being a new form of technology, being a new procedure, basically, to this place, we found that it takes more time than we originally intended or than has been asked for in the past, I guess would be the best way of putting it.

What we thought is that if right from the outset we allowed for the 60 days, that would allow the ministry to do the job that I think all members from all parties are asking it to do. Thirty days, we feel, is too short. I think there's concurrence amongst those people who have to provide the information that 30 days is too short, but they feel that 60 days is a reasonable amount of time.

I would note that had we supported the amendment before we recessed, we'd be very close to having the information by now, that the staff could have used the time over the holidays and the time in between our sittings to actually provide that information, and we'd be a lot closer. I don't think we would be at the 60 days, but we'd be very, very close to it now. We'd be days away from getting this information.

So I'm suggesting that we take the time to do this right, that we get the information that we ask for, that all members are asking for. I don't think there's any disagreement that this information should be forthcoming. What I don't want to do is set the process up as one that's being set up for failure, that we ask the individuals and the ministry and the organizations to provide the information in an unreasonable amount of time and then criticize them because they don't have it ready in time. I would much sooner put that information out right from the start, saying, "We're giving you 60 days. We know that you agree 60 days is a reasonable amount of time. If you do that, you'll be able to bring forward the information that we need."

I think from the document searches that I've seen and that I've been party to that have been provided by other individuals and other ministries, people are starting to understand just what's involved in this. They are starting to understand that you don't just search for the one keyword; that you go for many keywords when you're doing this.

I would ask the committee if there's agreement on this, that we go to the 60 days and this simply is dealt

with. This is something that I think we can move forward on, and the ministry can go and start gathering the information that we're asking it to. If there isn't, then I don't think from this side, certainly, we can support it. I would much rather see the committee move forward cohesively, as a unit, where we all agree on it. So if there is concurrence on this, I think we're quite ready to—certainly I'm ready, as an individual—to support this moving forward with the 60 days, if there is support for the amendment.

Other people may have different opinions on this. I understand this. So maybe there's a compromise. Maybe, at the end of the day, it could be 45 days. But what I've heard, and what I think we've all heard, is that it can't be done in 30 days, so there's no sense trying to ask any organization to provide something in an unreasonable amount of time. We're saying "60," and I think other people are agreeing that 60 would be a reasonable amount. If, for some reason, you want to get into a debate over five or 10 days, I don't think that's going to be the end of the world. But I think, as the first thing we're doing in the first sitting of this committee, it would be nice if we could all move forward on at least one amendment.

I'm going to stand down now. There may be other members of our side who have something to say on this, but I'd like to see it go to a vote, and I'd like to see it agreed upon. Then we can move forward.

Thank you.

The Vice-Chair (Mr. Rick Bartolucci): Dipika?

Ms. Dipika Damerla: Thank you, Chair. I'd like to begin by welcoming everybody back to the first day of this spring legislative session. I'm really, really looking forward to a very productive session. I hope everybody had a good break; I certainly did, and I'm raring to go back to work.

I'm new to this committee and I've just been going over the original motion, as well as the amendment that we have suggested. I fully support the amendment that we have suggested. That's because I've been in the situation a few times now where the opposition has come up with a request for information in a very, very tight timeline, and we have seen on many occasions that this just doesn't work. I've had to sit here in similar committees arguing for why we need more time. One would think that by this point, two years into this Legislature, the opposition would understand that coming up with unrealistic timelines only creates a waste of time because it then puts us in the position of having to argue and amend. If the original request had been couched in more reasonable terms, and instead of 30 days had originally said 60 or 90 days, we wouldn't be here. As MPP Flynn mentioned, had we agreed to this amendment before the holidays, we wouldn't still be talking about it and we would have been well on our way towards the 60 or 90 days, whatever would have been a reasonable amount of time. But certainly 30 days is very, very restrictive. It always makes me wonder why. Why are these requests couched with this unrealistic deadline? It's almost like

you want to set up the ministries and the bureaucrats to fail. You give them an unrealistic timeline and you know they can't fulfil it, and then you can turn around and say, "Oh listen, they never did a good job. They didn't provide us with all of the documents that we required."

All that we are trying to do is make sure that the process is as efficient as possible, that we do it once and that we do it right. That's what my grandfather would always say: "Do it once. Do it right. Take the time you need to do it." Certainly 30 days is very, very unrealistic; 60 days, at the very least. I know MPP Flynn is much more considerate, perhaps, and is willing to settle for a compromise, but I really do think that even 45 days would be stretching it and I would certainly prefer 60 days.

One of the things that strikes me in all of this is that I keep coming back to: Why? Why was it originally crafted with just 30 days? It makes me wonder: What is the real intent here? Is the real intent to get the information; or is the real intent just to create a process that is not fair? That is troubling, Chair, and that is something that I wish would get addressed once and for all. Going forward, I can only hope and request that the motions that come forward in the future for information are couched in a realistic timeline that people understand.

One of the things that I think is missed in all of this is that when a request is made for this kind of information, I think the assumption is that bureaucrats will stop doing everything they do in the general course of governing and will dedicate their entire time—eight hours a day, five days a week—to collecting this information. The reality is, that's not possible. The business of governing has to go on, so any of this information that is requested is over and above the time that bureaucrats have to take; this is over and above their normal duties.

The other thing to consider is that a lot of this information that is requested and asked for has to be passed through legal counsel, because there are issues around confidentiality; there are issues around public interest. Would releasing this information compromise the public interest? What is the context of this information? We have seen time and time again when information is released without the full context that it can be misconstrued and create false impressions and generally create confusion. So it is really important to make sure we get the context right when we bring this information out.

Given all of these parameters, it is something that I do want to make very, very clear. When we ask for this information, it is not as if the bureaucrats stopped doing everything they were doing and are just going to focus on this. One of the things that Don Drummond said was that the government of Ontario runs a very tight ship. What this means is that our bureaucrats are working at full capacity. There is no leeway there. They're already working at full capacity to do the day-to-day governing of this province. So when we ask for this kind of extra information, we need to build in the fact that perhaps these are people who are now going to have to work 9 to

5 or 8:30 to 5, doing their regular day of work, and then spend a couple of hours every day, extra time, to look into this extra information. On top of that, they have to make sure that they get the right legal advice to make sure that any information that they release is in the best public interest without in any way compromising the integrity of governing this province.

Now, I did have a clarification, Chair. I know that at 8:55, and we're pretty close to that, we will be—I guess the selection of the witnesses and interviewing, but I haven't finished really expressing all of my concerns around this motion.

0850

Mr. Rosario Marchese: Take your time. Take your time, Dipika.

Ms. Dipika Damerla: I will. Thank you, MPP Marchese, for that. I really appreciate that. But I did have a question, Chair, and I do believe that my colleague MPP Hunter also might have something to say. Given that we have all of this, I'm wondering what your suggestion would be. Do we break, do all of the interviews with the folks who are going to show up, and then can we pick up and continue our deliberation and our debate?

Interjection.

Ms. Dipika Damerla: I hope you had a good break, MPP Marchese.

Interjection: Yes, he's happy. I've never seen him this happy.

The Vice-Chair (Mr. Rick Bartolucci): All right. So let's bring everything back to a semblance of productivity. First of all, we have this amendment, and then we have three motions that have been moved by Mr. Marchese.

Interjection.

The Vice-Chair (Mr. Rick Bartolucci): Only one has been moved. Okay, we have one motion. Then we have the subcommittee reports, then we have an extension of deadlines and then we have a review of intended appointments. To be perfectly honest, we've already given an extension of these intended appointments. I can't make a motion because I'm the Chair, but my suggestion would be: As we've done in the past, let's do the intended appointments first and then we'll come back and we'll do those, okay? Jim?

Mr. Jim McDonell: We've done this before, and all we do is we end the meeting and we never get to the motion. We've talked for half an hour on this motion. I mean, I've seen in the past where this government has had six months to produce documents and all we've seen are redactions and deletions. So 30 days is ample time when it has already been 60 days since the motion was last debated. I think it's time to move on and pass the motion. They've had lots of time here to know this is coming ahead. They'll have 90 days, really, because it has been 60 plus the 30. Let's just move ahead with it, take the vote and we can get on to the intended appointments before 9 o'clock.

The Vice-Chair (Mr. Rick Bartolucci): Any other comments? Mr. Marchese?

Mr. Rosario Marchese: If it is the will of the Chair that we haven't had enough discussion because the Liberal members need more time to express themselves, then I'm quite willing to allow the members to continue speaking because they deserve to be heard, Jim. I know what you're saying, Jim, and I agree with you, but I really want to hear Kevin and Mitzie speak on this matter because there's so much to say. I think we should get on with the appointments and then come back to it.

The Vice-Chair (Mr. Rick Bartolucci): All right, so what I'm hearing here is, if there is a motion—is a motion necessary, Sylwia?

Interjection.

The Vice-Chair (Mr. Rick Bartolucci): Okay, so this has to be done by agreement, that we put this amendment aside, hear the attended appointments and then come back. All in favour? All opposed? Carried.

SUBCOMMITTEE REPORTS

The Vice-Chair (Mr. Rick Bartolucci): We have to do the subcommittee reports.

Subcommittee 1, a report dated December 12, 2013. Mr. McDonell?

Mr. Jim McDonell: I move adoption of the subcommittee report on intended appointments dated December 12, 2013.

The Vice-Chair (Mr. Rick Bartolucci): All in favour? Opposed? Carried.

The second subcommittee report is December 19, 2013. Mr. McDonell?

Mr. Jim McDonell: I move adoption of the subcommittee report on intended appointees dated December 19, 2013.

The Vice-Chair (Mr. Rick Bartolucci): All in favour? Opposed? Carried.

The third subcommittee report, dated January 23, 2014. Ms. Taylor?

Miss Monique Taylor: I move adoption of the subcommittee report on intended appointments dated January 23, 2014.

The Vice-Chair (Mr. Rick Bartolucci): All in favour? Opposed? Carried.

Our final subcommittee report is dated February 6, 2014. Ms. Taylor?

Miss Monique Taylor: I move adoption of the subcommittee report on intended appointments dated February 6, 2014.

The Vice-Chair (Mr. Rick Bartolucci): All in favour? Opposed? Carried.

INTENDED APPOINTMENTS

The Vice-Chair (Mr. Rick Bartolucci): We have one extension of a deadline because it expires today. Before we begin our intended appointments review, there is an intended appointment selected for review by this committee whose deadline for review has been extended and expires today. It is Michael Gallagher, nominated as a

member of the Workplace Safety and Insurance Board. Do we have unanimous agreement to extend the deadline to consider the intended appointment of Michael Gallagher, nominated as a member of the Workplace Safety and Insurance Board, to March 18, 2014? All in favour? Opposed? Carried.

Good. Thanks, Mr. Marchese, for facilitating all of this happening so quickly.

Mr. Rosario Marchese: I'm here to please.

The Vice-Chair (Mr. Rick Bartolucci): Intended appointments: We'll now move to that stage of the meeting. We have three intended appointees to hear from. We will consider all concurrences following the interviews.

MR. KENNETH QUESNELLE

Review of intended appointment, selected by official opposition party: Kenneth Quesnelle, intended appointee as vice-chair, Ontario Energy Board.

The Vice-Chair (Mr. Rick Bartolucci): Our first intended appointee today is Kenneth Quesnelle, nominated as vice-chair of the Ontario Energy Board. Please come forward and take a seat at the table, Mr. Quesnelle. Welcome, Mr. Quesnelle, and thank you very much for being here. You may now begin with a brief statement, if you wish. Members of each party will then have 10 minutes to ask you questions. Any time used for your statement will be deducted from the government's time for questions. Questioning will start with the third party after you've finished your presentation.

Mr. Kenneth Quesnelle: Good morning, Mr. Chair, and good morning, members of the committee. Let me start by telling you that I consider it a privilege to serve the people of Ontario in my current role as board member of the Ontario Energy Board and that I am honoured to have been nominated to serve in an expanded role as a vice-chair of the board.

Currently, as a board member, my primary role is that of adjudication—the hearing of applications from our rate-regulated entities as well as proponents of infrastructure projects and other matters that fall within the board's jurisdiction. Another element of the role of a board member is to provide input on the regulatory policy framework of the board.

I was first appointed in 2005. Having gained a deep understanding of the utility business over the previous 25 years of my career, I have been able to adjudicate on issues that come to the board with an expertise that I believe has served the board and therefore the public interest very well.

On the regulatory policy side, the insight I have gained through my previous experience in municipal infrastructure planning and long-term asset management shaped my significant input into the board's current policy framework with respect to our infrastructure investment oversight.

These past experiences would continue to serve me well as a vice-chair, as would my experience gained in

my many years in senior management and leadership roles in the utility industry.

0900

As a vice-chair, I would be able to contribute in an even more meaningful way with the chair and my colleagues at the board in the furtherance of the delivery on the board's mandate.

Having been a board member providing input into the new regulatory policy framework of the board, I am very excited about the prospect of putting my managerial and business skills to work in the implementation of the new framework.

I've been very fortunate over the past eight years in my professional development as a regulator. Energy and utility regulation is currently going through a transformational time on a global basis. Regulators around the world are rethinking their existing rate-setting methods and tariff designs as well as the basic methods of regulating. They're doing so in order to be aligned with the new, broad, public policy objectives of governments with respect to energy matters in general and network infrastructures required to deliver that energy.

Given the transformational time we live in, associating with other regulators is of fundamental importance to maintain a deep understanding of what tools of regulation work in certain circumstances and which tools don't. We have a very healthy association of utility regulators in Canada, and I've had the good fortune to serve on its executive board since 2010. I have chaired the education committee in the past and, currently, I am honoured to serve as the association's chair.

The Ontario Energy Board is a major contributor to the learning environment of utility regulators in Canada. Our groundbreaking work in performance-based regulation and benchmarking are a couple of past examples of made-in-Ontario frameworks that have influenced others across Canada.

In my capacity as chair of the association of energy and utility regulators, I represent Canadian interests on the steering committee of the International Confederation of Energy Regulators. This organization is comprised of 11 regional regulatory associations from around the globe. It functions using a web-based structure, through webinars and teleconferences, to discuss common issues and share new ideas. We routinely produce analytical reports on best practices in a variety of areas. I have served as chair of the virtual working group on consumer issues, one of the confederation's four working groups, since 2009.

The knowledge I have gained through this global engagement on consumer issues has been of particular value to me in shaping my input into the board's recently developed regulatory framework, which is outcome-based from a value-to-customer perspective.

The board's new approach places an onus on utilities to engage their customers in meaningful ways, to gain an appreciation of the service levels they expect with respect to reliability and quality of service delivery. Utilities are expected to demonstrate how the results of these engagements have informed their investment plans.

We've introduced the use of a scorecard, intended to measure the level of utility achievement in key areas of performance that are vital to both customers and the financial viability of the sector. Our regulatory strategy is to align the business interests of the utility with the customer service interests of the consumer. The board is actively realigning its regulatory approaches in policy development, adjudication and compliance in a manner that is best suited to the delivery on its renewed customer-focused approach to regulation.

Having been instrumental as a board member in shaping this new approach, I believe that I am very well suited to assist in the implementation of the regulatory strategy as a vice-chair of the Ontario Energy Board.

Thank you very much for the opportunity to provide you with my views this morning.

The Vice-Chair (Mr. Rick Bartolucci): Thank you very much, Mr. Quesnelle.

When it comes around to the government's question, you will have four and a half minutes to question. We'll now start off with Miss Taylor, from the third party.

Miss Monique Taylor: Good morning, and thank you for appearing before us today. I was happy to hear that you have a deep understanding of the whole rate issue, because I would love to know your thoughts on global adjustment, and if you could please let me know what global adjustment means.

Mr. Kenneth Quesnelle: Okay. The global adjustment is a mechanism in which the supply side, basically—and also the conservation side; these expenses that are approved by others through the OPA or are a result of contracting for a procurement of generation in line with government policy—finds its way onto the consumer's bill. So the global adjustment takes those costs and is presented as one of the elements of the consumer's bill, and it is reflective of the cost of procurement of generation and conservation and demand management programs.

Miss Monique Taylor: It's interesting. I've called several people, different managers of different hydro providers, I've spoken to so many customer service reps, and nobody seems to know what global adjustment is and why it's there. You're the first person, really—well, I think the second, actually, who has come out with an understanding, somewhat, of what it is. And from what I'm told, conservation is actually what's driving up global adjustment. Is that correct?

Mr. Kenneth Quesnelle: Well, there are conservation programs, and these programs, like I say, are part of what goes into the makeup of those amounts. The adjustments that are basically tied to the policy initiatives of government are outside of what we review—mind you, there are linkages from the board's perspective—and that is why the board has gone to its long-term planning orientation in ensuring that the board has a good basis on which to regulate and set the rates for the infrastructure element that would connect the renewable energy that is associated with the procurement of generation on the supply side.

Miss Monique Taylor: Global adjustment is more than double the electricity use cost on a bill—more than double. Is there a plan to bring this down? This has a huge effect on our manufacturing, on our small businesses. In your new role as a vice-chair, what would you do to help assist this matter?

Mr. Kenneth Quesnelle: I think the thing that the board can do and has done, along with other agencies, is recognize the importance of having a good communication plan so that people understand exactly what the global adjustment is. Your first question certainly went to that area. We have a very complex and very complicated structure, but it is one which has the fundamental underpinning of the nexus between public policy and the regulated elements of the board that takes care of—from an instructive perspective. I think it's very important that all the agencies, the Ontario Energy Board—and our plans show that, that we articulate these in a clear manner so that the public understands exactly what elements are on their bill and what is driving it.

Miss Monique Taylor: But an understanding of the elements is not going to help the ratepayer, and that's a huge problem in this province. You've seen the manufacturing jobs that we've lost because of the cost of hydro. I have small businesses in my riding that are on their way out because of the cost of hydro. What are you going to do as a vice-chair to help bring these rates down?

Mr. Kenneth Quesnelle: I just mentioned the new regulatory framework, and the renewed regulatory framework is all about engagement with the consumer to ensure that the consumer has an early knowledge of what the potential cost will be so that they have an understanding.

We're relying on and expect the utilities to go forward and speak to the consumers. The critical area for us, within our mandate and dealing with the infrastructure spend that comes before us, is ensuring that we have good principal planning so that we can identify and prioritize and allow for investment on only the highest-priority elements. So within our purview and the elements that we regulate, it's very much about prioritization and, with the view of rate mitigation, ensuring that there isn't rate shock, so that we have a long-term plan for the asset renewal and the asset maintenance, and also in growth and expansion, so that we can ensure that no more than what is absolutely necessary goes into the bill from an infrastructure perspective.

The Vice-Chair (Mr. Rick Bartolucci): Mr. Marchese.

Mr. Rosario Marchese: Mr. Quesnelle, I have a question. I appreciate the experience you bring to the board. You are aware that the Auditor General's annual report criticized the overly generous compensation of many of the staff, particularly at one of the divisions of the OPG. You, the board, said a while back that high staffing costs in the nuclear division should be reduced by \$145 million. In response, the OPG appealed this decision to the Divisional Court, and the OEB is current-

ly seeking leave to appeal this most recent decision to the Supreme Court of Canada, to defend its ability to scrutinize OPG's wage and benefit costs.

0910

Do you have a personal view on this? How seriously do you take it? Because the opposition parties are very concerned about this; the public is very concerned about this. Clearly, the Auditor General is very concerned about this. Do you have a view in terms of the fervour with which you need to pursue this? Or in general, what is your opinion?

Mr. Kenneth Quesnelle: The approach that the board takes—and as an adjudicator, it would obviously be very case-specific, but I will say that the OPG decision was not the first decision in which the board observed the disconnect between the compensation payments and the outcomes of the utility. It has recognized it in their past, so that wasn't the first case where that occurred.

The board takes an approach to rate-setting that is very much—and moving forward even more—and this is on the outcomes. There's a balance that must be struck between having the board actually micromanage utilities and allowing the corporate governance and good management to take hold and actually run the company. But when there's an observance that there's a disconnect between certain elements of the overall spending and overall revenue requirement and the outcomes, that's where the board does make findings and has made findings in the past. I think it's paramount, and I do personally believe that that is important and I will continue in that regard.

Mr. Rosario Marchese: Right. Do you know where this is at, at the moment?

Mr. Kenneth Quesnelle: No.

Mr. Rosario Marchese: Okay. I appreciate your comment. Thanks very much. Thank you, Mr. Chair.

The Vice-Chair (Mr. Rick Bartolucci): Miss Taylor, no questions?

Miss Monique Taylor: No, that's it.

The Vice-Chair (Mr. Rick Bartolucci): All right. Then we'll now move to the government side. As I said earlier, government members, you will have four and a half minutes.

Mr. Kevin Daniel Flynn: Okay. Perhaps I'll start it off. Welcome. Thank you very much for coming this morning.

When I look at the background you have, working, obviously, at the Woodstock public utility; Penetang; and the background you have with your educational experience, I'm trying to tie that into what the role of the vice-chair is. I know that you work with the chair to make up the management committee, and you oversee the management and the operations of the Ontario Energy Board. Could you describe how your past experience ties in with what the role of vice-chair is in this organization?

Mr. Kenneth Quesnelle: As vice-chair, I would be closer tied to and obviously have a mandate for the management of the corporation, and that is certainly something that—I have had over 20 years' experience in

senior management roles and just the routine things that come into business planning, resourcing, financial management. All those elements are certainly things that I've had extensive experience with in the utilities sector in the past.

Also, I think tying together that actual utility experience and the resourcing is what leads me, coupled with my understanding of what's required from a consumer's perspective, into the business strategy on resourcing. I certainly have and intend to do more of advising the chair on what my views are as to how we're resourced and in what areas we should be strengthening our resources at the board.

Mr. Kevin Daniel Flynn: Okay; very good answer. You've been on the board now since 2005. Going back to the questions that were coming from the third party, what have you learned personally? I know you've got a great background in the energy field, but it's a lot different when you're sitting on the energy board. I guess you must get a different perspective of the energy sector in general. What improvements have you seen in the system since you've been there, since 2005 and beyond?

Mr. Kenneth Quesnelle: I think what has taken hold at the board, and it's not unlike what has taken hold—and I mentioned the regulatory transformational time we're in. I think there's a lot more emphasis—and the board was one of the forerunners in this area, which is the approach of alignment of the interests of the parties that come before it, as opposed to playing referee between several private interests, those of business and those of consumers and those who have proponents for infrastructure—of regulating in such a fashion that it's a natural outcome of good business that customers are receiving what they should receive.

So it's an alignment approach as opposed to that of competing interests and finding a midpoint. It's more one of aligning the business structures so that, basically, the board can back off, have a lighter hand in regulation and allow the business interest to actually deliver on the customer interest, and that's very much at the heart of our renewed framework.

Mr. Kevin Daniel Flynn: Do you have any feedback, anecdotal or otherwise, on how the stakeholders feel about the operation improvements since 2005? Are you finding that the parties find it's an easier process, it's a better process or it's a more transparent process? Are you getting any feedback?

Mr. Kenneth Quesnelle: We are, and it is positive. I think the extensive consultation we did with the stakeholders, both consumer advocacy and the industry itself, on the renewed framework—a major element of that is a menu selection process for the types of applications you want to come into for a rate setting. There are different flavours. The intent there was to align again the regulatory process with where the utility was in its business. We have high-growth areas and we have low-growth areas within the province. That drives a different need for rate-setting and different processes.

That's the type of responsiveness that the board has demonstrated—that it recognizes that and has put that

out. That should streamline very much a large part of the work that the board does, which is rate-setting.

Mr. Kevin Daniel Flynn: Okay. What would that streamlining mean to the stakeholders themselves? Is it decreased costs in the process? Is it increased efficiencies?

Mr. Kenneth Quesnelle: Both of those, plus the ability to look at the menu and place themselves in it from what their needs for their consumers are.

In a high-growth area, for instance, they may not be able to accurately predict what's going to happen over a four- or five-year period. They could choose to come in under a certain model that would allow them to make adjustments on an annual basis without a full rate-setting process every year.

That serves everyone well. It serves the utility well in that they can come in with a business plan that we look at and test the merits of. Again, a lot of the business plan will have to be informed through their engagements with their customers, and that's what the board will be looking for.

So this is new, and it's something that we are getting very positive feedback from the stakeholders on.

The Vice-Chair (Mr. Rick Bartolucci): Thanks very much, Mr. Flynn.

Mr. Quesnelle, we'll now move to the official opposition for their 10 minutes of questioning. Jim.

Mr. Jim McDonell: Thanks for coming out today in this. I looked through your long history in the industry. Just wondering: I know that Miss Taylor talked about the costs of global adjustment, talking of being double what the electricity rates are. I saw a bill to one of my colleagues in Kitchener, a small company, where the cost of electricity is around \$3,500 a month. His global adjustment was over \$37,000.

Looking back on that, and looking where our electricity is, the rates now are arguably the most expensive on the continent. You've been with the energy board for a number of years. Is there anything that could have been done differently to at least make us in the middle of the pack, as far as electricity rates, in your time there?

Mr. Kenneth Quesnelle: Well, looking at the mandate of the board in the areas that we regulate, I think we've attempted to stay in line with the reviews and bring whatever tools we could bring to bear on the areas that we regulate the price for. Again, in going back to my earlier explanation of the global adjustment, it's as a result of the introduction of integrated power. Ontario certainly doesn't stand out alone on that. My experience on a global basis is, that is something that's being wrestled with on a global basis.

The manner in which those contracts are funded—there are different options for that. I'm not saying one is better than the other. People have attempted to come up with levelling plans on carbon pricing and what have you. So this is very much a global phenomenon.

I think from the board's perspective, we have done a lot to bring our focus to the prioritizing of the assets in the capital renewal plans. That's where we have focused

an attempt to mitigate the overall costs of moving to new types of energy supply.

Mr. Jim McDonell: I guess I realize that the global adjustment, as you're saying, is really outside of your control. These costs are dumped onto your plate, basically, and the best way of paying for them—they have to be paid by the consumer. We've seen them go to a level that—as an example, I've seen I think what were the second-highest subsidies in Germany, being about half of what ours were in Ontario. It has really pitted neighbour against neighbour in a rush to get this part of the cash-cow subsidies that are there. It's torn a lot of the communities apart—the people who are lucky enough to have a windmill or a solar farm versus the neighbour who just has to put up with the sight of it. In my community at least, and I think most of Ontario, it's considered a failure.

0920

When you look through another issue we have in rural Ontario, it's certainly with the cost of electricity being so high—there's a rush to natural gas. But we've seen very little expansion in the natural gas network in our area, or actually, I think, in much of even some of the urban areas. Getting the local distributor to expand its network is very tough. Do you see anything on the horizon that there are any recommendations you see to actually promote that?

Mr. Kenneth Quesnelle: I think that is always something that is shifting. The current low supply-side cost of natural gas is making it probably more attractive for people that would be potential customers. The board still has in place a portfolio approach to approving projects: that not all projects need to meet a profit index if they're put in an aggregate, in a mix of projects. You can have, within the policy, entities that don't necessarily have a quick return on the investment for expansion by the natural gas company being offset by those that have higher returns on a portfolio basis. That's a program that the board put in place some years ago, and it works well on that. I think the regulated entities will be making use of that, and also, with their advance sales, looking at the lower cost of gas in North America. The business climate is changing. I think that that has to take hold and people have to have probably a confidence that that's a long-term effect while making these long-term asset investment plans.

Mr. Jim McDonell: Just a little further on that: When I go back, being on council in approximately the 1995 or 1996 time frame when our franchise agreement came up, there was some talk about looking at selling that franchise to another agreement. We saw basically a flurry of extensions that quickly ended when the contract was signed, for whatever reason. I'm living about 300 feet from—the line has been unable to secure a price to extend it. It just seems that the unwillingness—I receive complaints all the time.

Economically, in this province, we're looking at—I think it's a 20- to 40-year time frame of very low energy costs. I think part of making it, whether it be a business

or residence, more economical is trying to utilize these costs that are freely available in other jurisdictions. Any idea for any regulation changes you could see that would help our residents of Ontario actually benefit from that and bring down the cost of business? The cost of power, which is electricity—which is an alternative in many cases—is extremely uncompetitive.

Mr. Kenneth Quesnelle: I think what you're speaking to is something that has gone on since the advent of the widespread distribution of gas for residential basis: Where are the economics in it? I think what we have found in Ontario—and it's, again, not unlike other jurisdictions—is that when the regulatory schemes were developed for natural gas development back in the 1930s and 1940s and through to the 1950s in the large expansionary time periods, natural gas was not seen as an essential service. Part of the problem is, once you have it, it becomes essential. You have to be very cautious with expansion policies, because there's really no going back.

I think that the economics, if someone were to look at it now—even with the fracking supply-side innovations that have happened in the last few years and, therefore, the price of the commodity going down, you have to be really cautious, when you're putting a policy in place which may offset some of the infrastructure expansion costs, that you're not just taking advantage of a valley in those costs and that something ultimately could become uneconomical within the time frame. When you're talking 40 or 50 years for the renewal of these expansion assets, it's something that has to be taken with a lot of caution, I believe.

Again, going back to the portfolio approach, there are projects that would not turn a profit that are allowed in an aggregate basis, and I think that that's just an evolution of the business and that's the test as we have it today. From a board's perspective, we certainly don't have any plans to be going further than that.

Mr. Jim McDonell: As I say, if you look at the natural gas side, their unwillingness to actually—I guess nobody's expecting anything for free. There's always a cost extended, and it comes into that profit margin. But I would hope that, especially in short distances, when consumers ask for the construction costs extended—in the rural area where I'm looking at some farms, on the cost of drying a tonne of corn, the difference between the two, between propane and natural gas, can't be integrated into the price, especially this year. You're talking about the cost of drying corn at maybe a dollar a tonne versus \$15. It's a huge difference, just from the fact that natural gas is, in most cases, within a short distance, and people would be willing to extend it.

Anyway, it's something, I think, that we could at least address—

Mr. Kenneth Quesnelle: Just on that one, quickly, the board does consider those matters within its purview. They certainly are. The costs of construction, in the aid of construction, the board considers to be a rate. It's within its purview.

I won't get into the particulars. It's live and before the board right now. I don't think the decision has been

issued, but we have a case with deals specifically with what you're speaking to in the expansion costs, so that is something that the board, as a matter of its regular business, does oversee.

Mr. Jim McDonell: Okay.

The Vice-Chair (Mr. Rick Bartolucci): You have 30 seconds left, Mr. McDonell.

Mr. Jim McDonell: There's a lot of controversy over smart meters. They're coming up. I see that you have some expertise in that line. Was there any talk or any discussion between you and Hydro One before these were put in place, just quickly, or is that something entirely in their jurisdiction, and the energy board had nothing to say or nothing to do with that?

Mr. Kenneth Quesnelle: Oh, no; the board does definitely have something to say. The board spends a lot of time on consumer care issues. Certainly on that front, as an adjudicator, I wouldn't get too close to it at this juncture, because I may end up adjudicating on something that is germane to that, and I'm sitting on a live case right now. But I know there is ongoing communication between the board and Hydro One about these matters, looking for resolution on certain things that are occurring as we speak.

As to whether or not they're event-driven or particular to Hydro One versus industry-wide, those are all the types of things the board looks at in determining what its best next step is.

The Vice-Chair (Mr. Rick Bartolucci): Thank you, Mr. McDonell, and thank you, Mr. Quesnelle.

That concludes the time allocated for this interview. I thank you very much, and you may step down. You're invited to either stay and watch the vote later on, or we will inform you of the decision of the committee. Thank you so much.

Mr. Kenneth Quesnelle: Thank you very much. Thank you, committee members.

MR. MICHAEL BRYANT

Review of intended appointment, selected by third party: Michael Bryant, intended appointee as member and chair, Public Accountants Council for the Province of Ontario.

The Vice-Chair (Mr. Rick Bartolucci): Okay. Our next intended appointee today is Michael Bryant. He's nominated as member and chair of the Public Accountants Council for the Province of Ontario. I see he has already come forward and is taking his seat at the table.

Welcome. Thank you very much for being here. You may begin with a brief statement, if you wish. Members of each party will then have 10 minutes to ask you questions. Any time used in your statement will be deducted from the government's time, and the questioning after your presentation, Mr. Bryant, will begin with the government side of the House.

So, welcome. It's good to see you again.

Mr. Michael Bryant: Thank you, Mr. Chair. It's very good to see you again, too. I'm pleased to see a couple of

familiar faces—it's only been five years—and some new faces. I don't know if that's an advantage or a disadvantage, that I haven't served with some of you, but in any event, I'm grateful to be here.

I'm applying and have been nominated for chair and member of the Public Accountants Council. I just, in my statement, wanted to talk a little bit about the position and the legislation that created the position in the Public Accountants Council and the work that it does.

If it is doing its job, then it usually means that the issue is not before MPPs, but it wasn't always like that. If you were an MPP in 2003 or 1993 or even 1983, you would have in your constituency folder emails and letters from CGAs—certified general accountants—and from CAs—chartered accountants—now going by a different name: chartered professional accountants. You would have people come visit you in your office, and you would learn more about public accounting than you ever thought you would want to know. But the issue really came down to standards for public accounting, and access.

0930

Up until 2004, chartered accountants really had a monopoly over the ability to provide public accounting services. The certified general accountants—the CGAs—wanted to be able to perform those services.

It wasn't really a political issue, but it was one that engaged MPPs. Peter Kormos was, by and large, an advocate for the CGA reforms. Each of the other parties—the Liberals and the Conservatives—had some pro-CGAs and pro-CAs. The CGAs wanted change and the CAs argued that change would dilute the standards of public accounting, and then that would have a negative impact on the economy and on public accounting services. The CGAs argued that, “No, no. The standards will be fine. What we need is greater access and affordability to small businesses and individuals,” and if CGAs were given the opportunity to perform public accounting services, then that would happen. I can't tell you how many times it went into a government bill and then that government bill got amended, changed or dropped, or a private member's bill, which got amended, changed or dropped.

Finally, the Conservative government retained Ron Daniels, who was the dean of law at U of T at the time. Now he's the president at Johns Hopkins University. He made a recommendation, in essence, that the government of the day create a public accounting council that would take this issue out of the Legislature, if you like, and force a resolution on the parties, with representation from CGAs, CMAs—certified management accountants—and CAs on it, plus non-accountants. The chair was not to be a member of the accounting profession.

In 2004, I presented a bill to the Legislature along those lines, and it passed unanimously. It passed with very little debate—maybe even no debate—on unanimous consent. For those of you who served with Peter Kormos, you will know that that didn't happen very often. Peter didn't let that happen. He felt strongly that

there ought to be debate. But in this case, he felt that we ought to get that bill passed, and we did. Then the committee went off and did its work, and it did. I think the committee did do its work, in that we now have CGAs who do practise public accounting. CMAs and CAs were able to buy into the system, which would allow all three accounting professions to participate in the service.

My qualifications: Because of my experience in working with the accounting bodies as the Attorney General, who is responsible for working with most of the professions, except for the medical profession, and in forging a consensus around the legislation—there was a lot of back and forth with accounting bodies to seek changes and to try to get the parties to buy in, and then, once the legislation was passed, in appointing the committee and getting it set up and running and appointing the chair and working with the chair to get it up and running, and then letting it do its work, obviously.

Fast-forward to today. There are new changes that have arrived. Firstly, the accounting bodies are in the midst of merger talks. Two of the three have agreed to merge. The third, CGAs, is in talks with the CAs—I call them CAs, or CPAs, chartered professional accountants—to become one accounting body, which then begs the question: What role would the Public Accountants Council play?

Secondly, a decision came down from the Agreement on Internal Trade labour mobility tribunal, which has affected the role of the public accounting council in that the council took the position that Ontario has the highest standards, and if you're a CGA in Manitoba, you have to meet Ontario standards in order to practise public accounting in Ontario as a CGA. The tribunal said, “No. If you're a CGA in Manitoba, you're a CGA in Ontario.” Now the public accounting council has to consider how it sets and applies the highest standards for Ontario, if that can be impacted by what the standards are elsewhere.

Lastly, there is a move afoot to merge all the provincial accounting regulators, if you like, so that there are just national standards instead of individual, bifurcated provincial standards. It all sounds great and organized, but getting all the provinces to agree on something is never easy, and getting all the provincial accounting bodies to agree on something is not always easy. In that sense, it's a little bit like securities regulation; it sounds logical that they would all be merged, but it doesn't necessarily work out that way.

The interest, I guess, for an MPP is around consumer rights: how consumers are treated and the service that they're getting, on the one hand, and the impact that this can have on the economy—and sometimes these things can have a huge impact on the economy. What happened with Enron a number of years ago was very much an issue of public accounting standards, and the same may be true of the latest recession.

I'll tell you what I've been doing for the last couple of years, which is serving on a couple of non-profit charities: Pro Bono Law Ontario, which provides free legal services for Ontarians who can't afford them, and

the Pine River Institute, which is an addiction treatment centre for adolescents. And I've been working with Phil Fontaine, who is the former national chief of the Assembly of First Nations, at Ishkonigan, working with indigenous communities and businesses to do business together.

Thank you for your time. I look forward to your questions.

The Vice-Chair (Mr. Rick Bartolucci): Okay. You have one minute exactly, so who's going to do the questioning? Mr. Flynn?

Mr. Kevin Daniel Flynn: It leaves us about enough time to say hi. It's great to see you in the building again, Michael; thank you very much for coming this morning.

Just a very quick question: How did you find out about this position at this point in time, and have you been interviewed for the position?

Mr. Michael Bryant: You can see my brevity is what it always was.

The Vice-Chair (Mr. Rick Bartolucci): I was going to comment on that.

Mr. Michael Bryant: Yes. It was on the public appointments website. I applied and then I got a call; I interviewed with the chair and the vice-chair of the public accounting council, and they had a person that they had retained to do an executive search. Then I got the call to come here.

The Vice-Chair (Mr. Rick Bartolucci): Great. Thank you so much. Thank you, Mr. Flynn. We'll now move to the official opposition and Mr. McDonell.

Mr. Jim McDonell: Thank you for coming out. I guess I'm somebody who was not here when you were here in government.

You were involved with the current legislation, I guess, as you've gone over—looking back on it and how it has evolved over the years, what are your feelings on it? Is there anything that could be done to change it to improve it?

Mr. Michael Bryant: It's possible that the legislation will need changes as a result of the changes that I spoke of already. But I think it has done its work in that the issue stayed within the professions and stayed within the public accounting council and didn't come back to the Legislature, didn't come back to MPPs.

It really was a tri-partisan effort, that legislation; it really was. Everybody bought into it, so it was not one where I can say that we deserve a lot of credit for the fact that it didn't cause any trouble. It really was an instance where all three parties were supportive of it and it just did what it was supposed to do.

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But that said, it didn't anticipate, I suppose, the changes that I discussed previously with respect to the trade decision and also the merger of the professions. But if that happens, the council will have to make its adjustments and potentially come back to the Legislature for changes, if need be.

Mr. Jim McDonell: I'm not sure now, but about six, seven years ago, as far as municipal governments go,

they changed the accounting procedures that we use in Ontario, to be more like businesses, where we calculate depreciation.

I look back, and in my time, a lot of work went into that in setting tax rates. But, really, looking at the effect, if you look around now, most municipalities have two systems, with one that includes depreciation. It was supposed to indicate the infrastructure deficit that we have—and there's no question that it's huge—but it's really not being used. People still look at the day-to-day, getting municipalities—and setting the tax rate, and the depreciation really has nothing to do with that.

I'm not sure: Were you involved with that legislation? Any comments on that, on seeing what the intended use was and just how it's being used?

Mr. Michael Bryant: Mercifully, no, in that, really, the public accounting council was created primarily to set the public accounting standards. What you speak of, I suppose, is a work in progress, but it is under separate legislation.

Mr. Jim McDonell: Okay. Just a comment on that: It has been a number of years since it was put in place. When we went through budget periods, the depreciation around the municipalities, I thought, really was a useless stat that took probably thousands of hours across this province to generate, but it's something that's there and people are aware of it, but you're tied to safety standards.

Any other questions?

The Vice-Chair (Mr. Rick Bartolucci): Mr. Holyday?

Mr. Douglas C. Holyday: I'm kind of new to this process, as you know. I'm looking here and I see that there are 17 appointments and nine are by the cabinet. Are you one by the cabinet?

Mr. Michael Bryant: Yes.

Mr. Douglas C. Holyday: You are? And did you serve on this council before?

Mr. Michael Bryant: No.

Mr. Douglas C. Holyday: Not at all? Well, I'm just wondering how the cabinet makes such a decision. If there were 17 people on there before, some of them might have been on there for quite some time. Would there have been any others there that would have been there long enough and had enough experience to consider themselves, maybe, as the chair?

Mr. Michael Bryant: Yes. Well, the nine appointments that the cabinet makes are all people who are not members of the accounting profession and, in that sense, are all eligible to be either vice-chair or chair.

In the past, there has been a mix of people who were members and then became chair, and then there were instances where the chair was appointed directly as a member and the chair.

As to my own qualifications, I'm not going to repeat what I said before, but you're absolutely right: There are some very qualified people on that committee, and I think that's—

Mr. Douglas C. Holyday: I don't dispute your qualifications at all, but I just wonder—I guess, if we're

charged with appointing a chair to this particular committee, as it appears we are, there's a lot of missing information here. You wouldn't want to set something in motion that, in the end, there would be some resentment from some other members of the committee. I don't know if there are other members of that committee who feel that maybe they should have been here before us, asking us to perhaps take a look at their qualifications as well. I guess this is the system, though, that the government puts someone forward and it's up to us to say yes or no.

Mr. Michael Bryant: Yes, pretty much, although my understanding is that the executive search process that was undertaken by the public accounting council rendered a few names and interviewed a few people, and they were all people from outside of the council, as I understand it.

Whether that means that nobody from the council applied, I don't know, but I will say that there was a process that they did put in place and that they interviewed people and then made recommendations.

Mr. Douglas C. Holyday: Thank you very much.

Mr. Michael Bryant: Thanks.

The Vice-Chair (Mr. Rick Bartolucci): Any further questions from the official opposition? No? All right, then we'll move to the third party. We will begin with Mr. Marchese.

Mr. Rosario Marchese: Welcome, Michael.

Mr. Michael Bryant: It's good to be here.

Mr. Rosario Marchese: How does it feel to be sitting there as someone who needs to be appointed, and was a minister for a while, and an MPP as well? How does it feel?

Mr. Michael Bryant: Terrifying.

Mr. Rosario Marchese: It's an incredible feeling. I'll be supporting your appointment, so you don't have to worry about that, okay? But I do have a few questions.

I think it's fair to say that 99.9% of the population has no clue about the Public Accountants Council for the Province of Ontario. Would you agree with that?

Mr. Michael Bryant: Yes.

Mr. Rosario Marchese: And it's amazing how little we know about many of the public appointments that we have in government, but that's neither here nor there.

But one of the things that the researcher, Jeff Parker, put out that I think is very interesting—and I want to ask you about it and see what your opinions are—is that we've got all these accounting bodies and they're all self-regulated.

Mr. Michael Bryant: Yes.

Mr. Rosario Marchese: And like many accounting bodies that are self-regulated, we assume that they're doing their job to regulate themselves. But in this strange anomaly, we have your body that you're about to join, that is regulating the regulators.

Mr. Michael Bryant: Right.

Mr. Rosario Marchese: And that's highly unusual.

Mr. Michael Bryant: Yes.

Mr. Rosario Marchese: What do you think about that? Is it that we don't trust the other bodies, that they're simply incompetent or incapable, that somehow we do need another body to oversee their work? How would you view that? How would you justify your role and/or this body overseeing other regulatory bodies?

Mr. Michael Bryant: Yes, it's a good question. I think that if it were the case that this body was redundant, then that would be clear to us. But the reason that it exists is that you had each of the professions regulating themselves, but between those professions, they disagreed on who could perform public accounting duties. For years, we tried to come up with a legislative solution, but it was always a zero-sum political result in that either the CAs felt that they were losing something that they felt ought to be upheld, or the CGAs felt that they were being shut out.

So the reason this was created was to firstly set the standards by which each of the professions would apply and then be monitored to perform public accounting duties, and secondly to oversee that process of sticking to those standards. In essence, what's different about this versus the other professions is that those bodies actually came to the Legislature and said, "Create this new body. Implement the Daniels report so that we can get on with the business of public accounting."

Mr. Rosario Marchese: In the context of the Agreement on Internal Trade, one then presumes that everyone across Canada is pretty well equal in their professions. If that is true, even though there might be differences, they're all treated the same. So really, there are, under that agreement, no differences.

I recall your government trying to make a case, including one of the accounting bodies, that it would be a race to the bottom because, presumably, our standards were better, and some of the standards in other provinces were not as good. We lost that case, so we are now presumably all the same, and to be treated the same. If that is true, then these differences between these accounting bodies don't mean much. What do you think?

Mr. Michael Bryant: The differences between the bodies are still meaningful. The differences amongst the various provincial versions of each accounting body—you're right—are the same. What isn't clear, though, is that there are, believe it or not, other accounting bodies out there. The association of chartered accountants is not recognized as a body that can perform public accounting in Ontario. That will inevitably perhaps be a body that would come to the public accounting council to try and be included in that group. But then there's the question of, if you're a CGA in Manitoba and you want to practise as a CGA in Ontario and perform public accounting duties, in the event that the three bodies merge to become all of them, together, chartered professional accountants, can the CGA in Manitoba necessarily be an Ontario CPA? It's not clear from the decision that that is the case.

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Mr. Rosario Marchese: If they do merge, would that nullify your role?

Mr. Michael Bryant: That's a good question. Would the role just be reduced to the disciplinary supervisory role that it plays now—

Mr. Rosario Marchese: Which they would be doing as a regulatory body, I would assume.

Mr. Michael Bryant: Right. Is it there only to deal with the instance of another accounting body coming along and trying to join? Do those professions decide to carve out a role for the public accounting council? I would just be speculating.

Mr. Rosario Marchese: Michael, I think you're very qualified for the job. Good luck.

Mr. Michael Bryant: Thank you, Mr. Marchese.

The Vice-Chair (Mr. Rick Bartolucci): Any further questions from the third party? All right, then this concludes the presentation and the questioning.

Mr. Bryant, thank you very much.

Mr. Michael Bryant: Thank you, Mr. Chair.

The Vice-Chair (Mr. Rick Bartolucci): You're welcome to stay and view the vote, or we will inform you of the committee's results.

Mr. Michael Bryant: Thank you.

MR. BRYAN GILVESY

Review of intended appointment, selected by official opposition party: Bryan Gilvesy, intended appointee as member, Species at Risk Program Advisory Committee.

The Vice-Chair (Mr. Rick Bartolucci): All right. Our next intended appointee today is Bryan Gilvesy, nominated as a member of the Species at Risk Program Advisory Committee. Please come forward and take a seat. Welcome. Thank you very much for being here. You may begin with a brief statement, if you wish. Members of each party will then have 10 minutes to ask you questions. Any time used for your statement will be deducted from the government's time for questions, and the questioning will start with the official opposition.

Welcome, Bryan, and we look forward to your presentation.

Mr. Bryan Gilvesy: Welcome, and thank you for granting me this time.

At first blush, you might look at me and say that a farmer who has trained at the Ivey Business School has no business advising the minister on the status of species at risk and the recovery thereof, but I would suggest to you that because of my experience, that's exactly why I'm uniquely qualified for this job.

First off, my family and I run the YU Ranch. We raise grass-fed beef, and we sell it directly to the marketplace. Our farm has become a mecca for sustainable agriculture. As a matter of fact, we get global visitors, both academic and business people, who come to study sustainability at our farm.

I teach sustainability at several business schools around Ontario, and because we're in the food business, it gives me a unique perspective on species at risk. In particular, if you understand that if that species that's at risk might be a bee, and that bee might have an effect on

what goes in your mouth or whether or not we in fact can feed ourselves, you begin to develop a better understanding.

So our whole brand and reputation is based on being a leader in sustainability. In 2006, I began leading a program called Alternative Land Use Services. It's a non-government, on-farm, environmental program that we simply call ALUS. As I said, it's non-government; it's community-based. It's farmer-delivered, and it's a mechanism that rewards farmers to produce benefits from nature.

I've personally raised over \$4 million for this effort. ALUS now operates in nine communities across Canada, and some of the members today are representing some of those communities. It's a very effective tool to get farmer engagement in the effort to grow more species. It harnesses their productive capability on their land in a very positive measure rather than penalizing them for looking after those species.

When I'm looking at species at risk, my philosophy is relatively simple. We tend to focus on regulations and on the species in their habitats, and I think the focus should only be upon people. If you correctly engage and get people in gear, the species will follow on their own and grow back. Thank you.

The Vice-Chair (Mr. Rick Bartolucci): Thank you very much. When the government's time for questioning occurs, you'll have seven minutes and 40 seconds. We'll now start with the official opposition: Mr. McDonell.

Mr. Jim McDonell: Thank you for coming out today. I guess the committee and some of its decisions have certainly been in the public over the last couple of years. I think of a few instances. Going into it, what would your impressions be of the performance of the legislation and how it's been put in place to date?

Mr. Bryan Gilvesy: The legislation—listen, I think we all understand the need for legislation, because we come in with a need, or a feeling, as human beings to protect these species that need protection. I think that where regulations fail is that it fails to accommodate the other side of the story: How do the humans fit into that equation? So I think that the legislation, so far, has been effective at highlighting the need to protect species. But some of my farming brethren are, in fact, behaving in a different way. They're shooting, shoveling and shutting up about the species.

It tells me that on the land, people who are vital to the protection or regrowth of species are disengaged. I see that the regulatory approach is necessary, but I think it must be coupled with a more positive answer to the question: How are we going to get those species back? Who is going to do that work? And effectively, the constituency that I think can do that work is disengaged from the conversation right now.

Mr. Jim McDonell: I sat in on the report of the commissioner looking after this part of the—I guess his report was just last year. He talked about, specifically, the bobolink and some of the decisions they've made. He was critical of the fact that we've added a large number

of species to the endangered list and, in his opinion, many of them don't belong here, the bobolink being an example. We're at the northern portion of their environment and, actually, there's a reason why there's not many around here. It's just that it's too cold up here. Especially in a year like this, they would not survive. He talked about legislation running amok, and saying that if you really want to somehow protect this species, the answer is getting rid of the housecat, because that was really what the problem was. Any comment on that?

I guess, the thought is that they really have to look at the science. In any environment, there are always those areas where it's very marginal. Species do migrate out of the area that they should be in, but it doesn't mean they should be protected in those areas. It just means it's a fluke, basically.

Mr. Bryan Gilvesy: I might just give you a little history of myself and bobolinks. When the bobolink first got listed, it was greeted with some alarm in the farm community, and I made a collaboration with Anne Bell from Ontario Nature, and we made a recommendation to the government that there should be a cross-sectoral group formed, called the Bobolink Round Table, to advise the government on these exact issues. We have been through a thorough review of all the existing science, and I'm here to tell you that one of the things that leaps out at me is that bobolinks aren't that hard to get back if the farmers are engaged. Bobolinks don't necessarily have to be in conflict with agricultural activities. What's at conflict are the regulations. We've proposed, though the Bobolink Round Table report, some interesting things, one of them being a safe harbour concept, where farmers could actually do something good for the bobolink and get some—don't have the onerous portions of the act apply to them.

The science about the housecat and all that stuff is a little bit—you can point to many different reasons why bobolinks are in decline, the housecat being one of them. I hate to disagree with the commissioner, but we've seen all the science. I'm just here to say that if the species is in trouble, I think there's a way for the people of Ontario to get in gear and help recover that species.

Mr. Jim McDonell: I believe his point was that it wasn't in jeopardy. It just didn't belong here. That was the issue, and that's why it might appear the numbers are endangered in this area, but as you travel farther south into the US, where their habitat is and where they really belong—that is, there for a reason. They are not here for a reason. Anyway, that was his report of, I guess, 2012 to the Legislature.

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I know there's been a lot of talk about stopping projects. I think in Ottawa they had a project that was delayed months, only to find out it was a different bird than they thought it was and the project could have gone on. But it gives examples of tying up millions of dollars in projects where maybe that same money that was put into the delay could have been put into other programs

that actually encourage maintaining some of these species, because it is an important issue.

Any talk about that, how you'd really work around some of these projects that are going on? I guess this case in Ottawa was a multi-million-dollar project, but everything was held up for months because of a supposed sighting that actually turned out to be false.

Mr. Bryan Gilvesy: Yes. I've provided advice both through the round table and personally to the Ministry of Natural Resources on those issues. On those particular types of projects, the answer has come in a regulatory change to the Species at Risk Act, which allows for a streamlining of the process so that people who are trying to move ahead economically and do good things economically on the land aren't held up forever, but they can find a way out. That's manifesting itself in a regulation that will appear this spring, I think, called SARBEX, the Species-At-Risk Benefits Exchange. So that's first out of the gate.

Secondarily, the permitting process itself will be tremendously simplified. I'd like to say we've had a big, big hand in streamlining that process. Anybody coming into the development business or changing land use anywhere will find a much simpler approach. I'd like to think that we've had a lot of effect on that effort.

The Vice-Chair (Mr. Rick Bartolucci): Any other questions from the official opposition?

Seeing none, we'll move to the third party. Ms. Taylor?

Miss Monique Taylor: Good morning.

Mr. Bryan Gilvesy: Good morning.

Miss Monique Taylor: Thank you for being here with us today. You definitely seem to have a lot of experience with different species and being a farmer and everything that you've been doing—your qualifications. What actually led you to wanting to be on this committee? Were you asked to be on the committee? Is it something that you just knew was there and wanted to apply?

Mr. Bryan Gilvesy: No. I was asked by staff at the Ministry of Natural Resources if I'd allow my name to stand.

Miss Monique Taylor: Interesting. Do you have a specific project that you're hoping to initiate, or is there something that you're more interested in that you want to bring to the table?

Mr. Bryan Gilvesy: Not through this process, no. I've mentioned earlier that the environmental program I work on is called ALUS. It's intended to be national in scope. It's intended to also consider the fact that if a farmer produces something on his land that's beneficial environmentally, there are usually many, many co-benefits with it. We're trying to make clear that the public understands that farmers are contributors to the environmental wellness in more than just one dimension.

Usually, if I'm doing a project for bobolink, for example, I'm also cleaning the water. I'm also providing a habitat, perhaps, for a badger, and perhaps sinking carbon or cleaning the air. I think that's pretty exciting news.

Miss Monique Taylor: Very interesting. So what is it, as your role, that you expect to continue to do or to do differently than you've already been doing?

Mr. Bryan Gilvesy: What we're good at, what I think my talent is and what I can bring to the minister on this particular committee is that I think we've figured out how to engage people on the land, rather than disengage them or leave them behind or disenfranchise them on these conversations. I think that's a pretty important thing.

Through my program, we've got 200 farmers in Norfolk county and another 200 across the country actively involved doing environmental things, completely voluntarily.

Miss Monique Taylor: That's good. That's definitely what's necessary.

One more question: Are there at-risk species that you see, coming forward, that maybe people don't have their eye on at this point or that I simply wouldn't know about?

Mr. Bryan Gilvesy: The one that's interesting to me and that any of you who have been raised on a farm would identify with is a barn swallow. Barn swallows, if you grew up on a farm, always swooped over your head when you walked into the barn. They're in trouble, and I'm not clear as to why they are yet. But that's one that is sort of near and dear to my heart because we grew up with them in the barns, and on our fields they are pretty useful in helping to clean up some of the insects and flies that bother our cattle. So that's one that's interesting to me.

Miss Monique Taylor: So that's something that you'll maybe be looking further into—

Mr. Bryan Gilvesy: It's already on the radar. I mean, you begin to start hearing about what's coming into view on different species at risk. The barn owl is another one, for instance. The flora and fauna—the trees are very interesting to me. In Norfolk county, the flowering dogwood is our county tree, and it's endangered. The existing regulations have brought something interesting to bear on that.

Miss Monique Taylor: Thank you so much. Good luck in your position.

Mr. Bryan Gilvesy: Thank you.

The Vice-Chair (Mr. Rick Bartolucci): Mr. Marchese, any other questions? No?

Miss Monique Taylor: We're good.

The Vice-Chair (Mr. Rick Bartolucci): All right. Thank you very much. We'll now move to the government. You have seven minutes, 40 seconds.

Mr. Kevin Daniel Flynn: Thank you very much for coming today, Bryan. I have to admit I was intrigued when I saw the application because I think the average person on the street or in my constituency who I would have engaged in a conversation about species at risk would be more inclined towards Ontario Nature, would probably be an environmentalist; so I think you bring a unique perspective.

I've got a question from a consumer point of view. I am told I should eat a certain amount of red meat, and I'm assuming that you are a beef producer.

Mr. Bryan Gilvesy: Right.

Mr. Kevin Daniel Flynn: I've had corn-fed beef; I've had the grass-fed beef. You said you raise the grass-fed. I'm led to believe Alberta beef is raised on barley, shipped to the feedlots, fattened on corn, and then it goes to the supermarket. Yours are raised entirely on grass.

Is there a quality issue between the two? Am I going to find the grass-fed is, from a tenderness perspective—I know other people who would prefer to eat the grass-fed. They're saying that they've been kind of spoiled by the other.

Mr. Bryan Gilvesy: I could probably spend an hour with you on this, but suffice it to say that if you see the only quality in beef is AAA, you might not appreciate grass-fed beef, because it's not about producing fat. Our beef is nutrient-dense. It's intensely flavoured. It doesn't carry the fat, which then in itself means it has health benefits for you. Environmentally, I can demonstrate to you how it's better for the birds and the bees and all the species that exist.

It's a niche product. We find our own space, but it requires consumers to identify differently with beef and come to understand that there are more ways to qualify what beef is than simply AAA.

Mr. Kevin Daniel Flynn: Very good. That's interesting.

You moved out of tobacco and you went into the Texas longhorn business. Was the Texas longhorn ever a species at risk, or has that always been pretty—

Mr. Bryan Gilvesy: No. Texas longhorns—there are actually no native North American cattle. Texas longhorns were formed from the escapees from the very first settlers who came here, including Christopher Columbus, because they brought live cattle on the ships with them. They escaped to the western range and ranged all the way from Mexico to Alberta and became a distinct breed over 400 years. But they are not considered a native breed.

Mr. Kevin Daniel Flynn: Is it fair to say that the species at risk program was viewed by a number of people in the agricultural industry as being an adversarial policy?

Mr. Bryan Gilvesy: Absolutely. It's very scary for a lot of people.

Mr. Kevin Daniel Flynn: Okay. Can you expand upon how you engage people to change that?

Mr. Bryan Gilvesy: I like to have a slide I call "Farmers are afraid of the big green monster." I think it's funny how we on the land are there because we care about such things. That's why we're there. We found ourselves handing over the environmental debate to people who sometimes are living in condos in the big city. I think we understand this issue better. I think we can affect the issue more than anyone in society and I think we have the land, the skills and the resources to do so. I advocate long and loud for farmers to get in gear on this. This is something that we can produce on our lands

that has value to ordinary Canadians. If it has value, then certainly it can add value to the product I'm producing.

You might have noticed that I go to market completely speaking about not only our environmental benefits, but our health benefits from the way we farm. I think that's an exciting new frontier for farmers across Canada to attack.

Mr. Kevin Daniel Flynn: Thank you. Can you give an example of anybody in the industry who over the past couple of years, as you've been advocating—I notice you've won a number of awards here. Can you think of an example of somebody who perhaps in the past thought of this as being something they didn't want to be involved in and has now come to believe that they do?

Mr. Bryan Gilvesy: The member from Stormont–Dundas–Glengarry might enjoy this. I had in fact, in 2004, I think, joined the Lanark Landowners Association. I felt that disengaged from the conversation.

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Mr. Kevin Daniel Flynn: That's a big jump.

Mr. Bryan Gilvesy: I've moved a long way from there. You might notice I'm somewhat passionate about this. I understand from whence I came and what caused me to be that way, but I also understand the opportunity on this side. There are many farmers coming to this view across the country, and I'm finding that tremendously exciting.

Mr. Kevin Daniel Flynn: That's fantastic. I think you bring an awful lot of enthusiasm. I think you bring a different perspective. As you say, if you can bring people together, if that's your intent in serving on the board, I look forward to you serving there.

Mr. Bryan Gilvesy: Thank you.

Mr. Kevin Daniel Flynn: Any questions?

Ms. Dipika Damerla: How much time do we have left, Chair?

The Vice-Chair (Mr. Rick Bartolucci): You have exactly three minutes and 11 seconds.

Ms. Dipika Damerla: Thank you, Bryan, for your time here today. It's very fascinating to hear about your conversion, I guess, from one side to the other. Tell me a little bit about that personal journey, why that happened and what impact that's going to have as you contribute on this board, if appointed.

Mr. Bryan Gilvesy: My personal journey begins by a clear understanding of why or how the regulation causes you to behave in a way that's negative to the intention of the act. I understand that clearly. I have a picture of the day that I had the first government official ever on my land in 2005—ever. I just wouldn't allow it. Now I regularly host tours for all the government people. I loudly speak about the species at risk that are on my land.

I think there's an epiphany moment for all of us here. Just because they're species at risk and they're protected doesn't mean a guy like me can't apply his skills to make them not at risk anymore. I think it almost behooves us to think that we can make them not at risk. I think we can. We've got a ton of academics studying our work, in particular in counting species, and seeing that the results

are pretty clear, both on pollinators and on grassland birds. The work that we've done through ALUS has been phenomenal in the recovery of these species.

I think that's exciting news. I think it's absolutely exciting that the possibility exists that we can make them not at risk anymore and positively engage the people on the land to do that and make a good-news story out of this instead of a penalty for ordinary Ontarians.

Ms. Dipika Damerla: That's really fascinating because, you know what? I just read in the paper recently, as I'm sure many of you may have, that the passenger pigeon is extinct and they're trying—is it the carrier pigeon or the passenger pigeon? I forget. They're trying to reconstruct it from the DNA of stuffed, dead birds, trying to bring that species back, which just goes to show you that it's so much easier to conserve than to try to bring a species back which has gone extinct. So I really, really thank you for your passion on this and I wish you well.

But I do have a question: What can we do to get this epiphany moment that you had to others who are not on board yet?

Mr. Bryan Gilvesy: For a landowner, it's a pretty simple equation. We have to make decisions about how we're going to feed our families and put our children through school, and we cannot pencil in the value of a species at risk into those equations. I think that beginning a conversation about economically valuing nature is important so that people can begin to pencil that into any business decision they're making; and secondly, to try to get at the economic value of some of these things.

I work hard at those issues. I work very hard at trying to quantify the economic value of some of the benefits that nature provides for us. That way, everybody can be a participant. Of course, I've long advocated for this. You can be a participant if you voluntarily want to be.

The Vice-Chair (Mr. Rick Bartolucci): Thank you very much, Mr. Gilvesy, for your frankness and for your passion, and for answering the questions so well. This concludes the time allocated for the interview.

We'll now move to concurrences. We will now consider the concurrence of Kenneth Quesnelle, nominated as vice-chair of the Ontario Energy Board. Would someone please move the concurrence?

Ms. Mitzie Hunter: I move concurrence in the intended appointment of Kenneth Quesnelle, nominated as vice-chair, Ontario Energy Board.

The Vice-Chair (Mr. Rick Bartolucci): Thank you, Ms. Hunter. Is there any discussion from anyone? All in favour? Opposed? Carried.

We will now consider the concurrence for Michael Bryant, nominated as member and chair of the Public Accountants Council for the Province of Ontario. Would someone please move the concurrence?

Ms. Mitzie Hunter: Mr. Chair, I move concurrence in the intended appointment of Michael Bryant, nominated as member and chair, the Public Accountants Council for the Province of Ontario.

The Vice-Chair (Mr. Rick Bartolucci): Thank you, Ms. Hunter. Is there any discussion from any member? All in favour? Opposed? Carried.

We will now consider the concurrence of Brian Gilvesy, nominated as member of the Species at Risk Program Advisory Committee. Would someone please move the concurrence?

Ms. Mitzie Hunter: Mr. Chair, I move concurrence in the intended appointment of Brian Gilvesy, nominated as member, Species at Risk Program Advisory Committee.

The Vice-Chair (Mr. Rick Bartolucci): Is there any discussion from any member? All in favour? Carried.

This ends the concurrence section.

COMMITTEE BUSINESS

The Vice-Chair (Mr. Rick Bartolucci): We still have a few—do we have any time left, Clerk?

The Clerk of the Committee (Ms. Sylwia Przewdziecki): We have nine minutes.

The Vice-Chair (Mr. Rick Bartolucci): We have nine minutes left. We will now revert back to the adjournment discussion. Thank you, Mr. Marchese, for allowing us to be able to do that today. Monique?

Miss Monique Taylor: I'd like to call the question, Chair, please.

The Vice-Chair (Mr. Rick Bartolucci): Okay. All right. If there is no one who wants to speak, we'll call—

Ms. Dipika Damerla: Chair?

The Vice-Chair (Mr. Rick Bartolucci): But there is, so we'll move to Ms. Damerla.

Ms. Dipika Damerla: Yes. I had the floor when we—I guess I don't know what the technical word is—adjourned or suspended the discussion on this amendment, so I'd like to continue to speak to it. I believe it's possible that my colleague, MPP Hunter, might have something to say; I'm not entirely sure.

The Vice-Chair (Mr. Rick Bartolucci): We will then continue the discussion.

Ms. Dipika Damerla: Thank you, Chair. Just picking up from where we left off, the whole issue is around a motion in front of this committee, a motion presented by MPP Marchese that, I believe, seeks to get some information from Metrolinx. The timeline that they are seeking for the government to provide this information is 30 days. We here in government believe that 30 days isn't adequate time. That's what we were discussing, and I'd like to add my thoughts to that.

Chair, one of the things that I find very, very interesting is that the Leader of the Opposition, Mr. Hudak, never loses a chance to say he's going to find efficiencies in government and in the bureaucracy, and how he's going to—I'm going to only guess—lay off people to ensure that it's lean and mean. But my question is, this is the same opposition—in this case, of course, it's the NDP, but there have been several unlimited requests for information. I always wonder, how on earth are you going to find these efficiencies in government and lay

everybody off, but still expect them to do all of this stuff pronto in 30 days?

Let's just look at our own lives as MPPs. We have full lives, and if somebody was to come to me and say, "Listen, I want all of this information, going back X number of years, from your constituency office. By the way, you cannot stop doing everything else that you do in your role as a legislator, in your role as a constituency person, in your role as a critic if you're in the opposition or in your role and your ministry duties if you're in government. And, by the way, provide all of this in 30 days, 20 days" or some unreasonable time frame and actually expect it to be done. This is something I just want to throw out there as food for thought as we consider things like this.

That just speaks to our need to ensure that our bureaucrats have the time that they deserve to do a fulsome job and to ensure that they do all of the searches, because one of the things that I do believe that we are faced with is a question where some of these asks are pretty open-ended. You try and give the information that you think is pertinent, and then the people who demanded the information come back and say, "Well, that's not enough," which would be fine, except that they turn it into a partisan issue and try to suggest that it's not fine, because you had an agenda and you were trying to hide things.

In this kind of environment, I do believe that it's very, very important that we give bureaucrats as much time as they need to ensure that they get it right the first time. These are some of the things that concern me when I see a 30-day timeline.

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One of the questions I would have—I mean, the way our debate is structured, it doesn't really allow us a conversation. But I would like to ask if there was ever an opportunity—maybe perhaps I can ask outside, ask MPP Marchese. How do you come up with the 30 days? You're asking for this information, but how on earth do you know that 30 days is enough? What were the parameters? What goes into this? Do you just think about this timeline and say, "Okay. You know what? Thirty days. Yes, that sounds about right"? How exactly—I mean, there is no process by which you first ask the bureaucrats. To me, the process ought to be—"This is the sort of information we are looking for." Go to the person who has to actually deliver it and ask in the first place, "This is what we're looking at. Would this be a reasonable time frame?" To me, that seems like a much better process: for them to have come to us in government and said, "This is the sort of information we are looking for."

Quite frankly, as a backbencher MPP, I'm just as interested in information as anybody else—but to ask that question so that the process is more robust, so that we don't have this back and forth where you propose 30 days, 20 days or whatever number of weeks strikes your fancy at that point and then we have to, at our end, scramble and then go through this process of responding and then come up with an amendment.

What if MPP Marchese had just approached us directly and said, “You know, committee, this is what we are looking at. Can you check with your ministry folks and say, ‘Would this?’—and I see MPP Marchese smiling, so perhaps he agrees with my point of view or does see the logic to what I’m proposing. It does seem logical. You’re asking for something—like, when I ask my staff for anything, I always ask them, “How long do you think it would take?” If I want something in 24 hours and they think that they need 48 hours and I want it in 24 hours, then I have to be ready to give them additional resources.

So my question to the opposition would be, if you want the 30 days and government says that 30 days is not adequate, you have two choices: Either we say, “Okay. What is a reasonable time frame?” or you in opposition are willing to go and say, “You know what? We’re willing to work with you to authorize more resources to the bureaucracy,” and what would your taxpayer have to say to that? I mean, that’s a good question.

Mr. Jim McDonell: I have a point of order.

The Vice-Chair (Mr. Rick Bartolucci): Sure. Point of order, Mr. McDonell?

Mr. Jim McDonell: It’s clear that there’s a filibuster. You don’t want to have the vote today. We might as well adjourn now. You’ll call an adjournment. We’re talking about something that—I thought your leader, your Premier, talked about transparency. We’re talking about a number of reports that are done and could be released. I’m not sure what the issue is. It just needs to put this information out—30 days. We’ve had the privacy commissioner talk about—

The Vice-Chair (Mr. Rick Bartolucci): I think, Mr. McDonell, it is debate as opposed to a point of order, but I think you’ve made your point.

Mr. Jim McDonell: If you just don’t want to do it, don’t—

The Vice-Chair (Mr. Rick Bartolucci): We’ll go back to Ms. Damerla.

Ms. Dipika Damerla: Thank you, Chair. Well, thank you, MPP McDonell. Since the point has been raised, Chair, I’d just like to address it, which is that I have seen

the very same opposition spend hours and hours in the Legislature discussing bills that don’t need to be discussed, and they have said, “It is my right as an MPP to be able to speak to this bill.” Well, I can only hope that they would give us, on this side, the same right to speak to an issue for as long as we think it deserves a fulsome debate, because isn’t there a saying in English, “What’s good for the goose is good for the gander,” or is it the other way around?

The Vice-Chair (Mr. Rick Bartolucci): Either way.

Ms. Dipika Damerla: Yes, either way. So just building on that idea, what is good for the goose—

Interjection.

Ms. Dipika Damerla: Yes, there you go. What’s good for the Tories and what’s good for the NDP—although I have to say that the NDP is much more reasonable on that, and thank you very much. But what’s good for the Tories surely ought to be good for the Liberals. So please do give me the time that I need to speak to this issue. I would appreciate that.

Anyway, going back to my original point, we were talking about the need and the process that is being used now and what I think is a way to improve the process so that, a few weeks from now, we won’t be back here with some other request with another timeline that is not practical and then I or some other MPP in my place will have the task of explaining to the opposition why the 30 days or 20 days that they asked for is insufficient and why we need to increase that time. So perhaps there is a lesson to be learned from this experience. It could have been learned from past experiences, but if not, here is one where, going forward, I hope that if the loyal opposition or the third party wants to bring forward—

The Vice-Chair (Mr. Rick Bartolucci): I think it’s time to adjourn.

What I would suggest is maybe that the Clerk talk with the Chair as to how we’re going to move forward with these amendments and motions.

The meeting is adjourned.

The committee adjourned at 1025.

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