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# Official Report of Debates (Hansard)

Wednesday 26 November 2014

# Journal des débats (Hansard)

Mercredi 26 novembre 2014

## Standing Committee on General Government

Public Sector  
and MPP Accountability  
and Transparency Act, 2014

## Comité permanent des affaires gouvernementales

Loi de 2014 sur  
la responsabilisation  
et la transparence  
du secteur public  
et des députés

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON  
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES  
AFFAIRES GOUVERNEMENTALES**

Wednesday 26 November 2014

Mercredi 26 novembre 2014

*The committee met at 1301 in committee room 2.*

**PUBLIC SECTOR  
AND MPP ACCOUNTABILITY  
AND TRANSPARENCY ACT, 2014**

**LOI DE 2014 SUR  
LA RESPONSABILISATION  
ET LA TRANSPARENCE  
DU SECTEUR PUBLIC  
ET DES DÉPUTÉS**

Consideration of the following bill:

Bill 8, An Act to promote public sector and MPP accountability and transparency by enacting the Broader Public Sector Executive Compensation Act, 2014 and amending various Acts / Projet de loi 8, Loi visant à promouvoir la responsabilisation et la transparence du secteur public et des députés par l'édiction de la Loi de 2014 sur la rémunération des cadres du secteur parapublic et la modification de diverses lois.

**The Chair (Mr. Grant Crack):** Good afternoon, everyone, and welcome to the Standing Committee on General Government. This afternoon, we're here to hear from the public and stakeholders regarding Bill 8, An Act to promote public sector and MPP accountability and transparency by enacting the Broader Public Sector Executive Compensation Act, 2014 and amending various Acts. I believe I called the meeting to order. If not, I call the meeting to order.

Welcome, members of the committee. We do have quorum at this point.

I'd just like remind everyone we are on a very tight schedule. Unfortunately, my job is to make sure things run along smoothly. We have five minutes for each presentation, followed by three minutes of questioning and/or comments from each of the three respective parties.

MS. MARIA K. DASKALOS

MR. JOE COLANGELO

**The Chair (Mr. Grant Crack):** Having said that, I would like to welcome Ms. Daskalos and Mr. Colangelo here this afternoon.

**Ms. Maria K. Daskalos:** Good afternoon.

**The Chair (Mr. Grant Crack):** Good. Welcome. We appreciate you being here.

**Ms. Maria K. Daskalos:** Good afternoon. My name is Maria Daskalos, and I am the daughter of Dimitra Daskalos, who passed away in February 2011 at Toronto General Hospital.

My mother's case, outlined in detail in the handouts, clearly exemplifies the critical need for a true independent body, like the Ontario Ombudsman, to be able to investigate complaints in our health care system.

Creating an internal patient ombudsman, as proposed in Bill 8, is not logical. A patient ombudsman that reports to the ministry would be unable to remain impartial or objective because he is not independent. The provincial Ombudsman is.

My mother needed our health care system to heal and protect her. Instead, it tragically failed her.

I quote André Marin from his 2012 Ombudsman's report: Her "mother passed away in hospital in the kind of terrible circumstance we all have nightmares about."

Our mother required medical attention, and she had heart failure. She could not be discharged or looked after by a long-term-care facility. Our mother endured unnecessary pain and suffering despite our family's daily efforts to fight for her right to proper and compassionate care.

The hospital failed to protect her, wanted her out and would go to any length to achieve this. They bullied our family and pressured us on a daily basis. They sent us an illegal bill for over \$18,000.

The hospital's final actions were truly shocking. During a viral outbreak, they approached us and said they had directives from infection control to move our mother to another semi-private room in order to "keep her safe."

Our frail, tiny mother was now only 53 pounds and was obviously high-risk. The hospital intentionally breached infection control protocols. They directly exposed our mother by placing four infected patients in the bed next to her, one right after another.

We were frantic. We made calls to the hospital administration, and we were told to contact patient relations. Our mother contracted the virus and passed.

For over three years, our family has been seeking answers. The hospital administration, the Minister of Health, the LHIN and both Premiers refused to investigate or address our concerns because they said that they don't have to.

This government promised to be transparent and accountable, and it is time to live up to that promise. The

only way to achieve true independent oversight is to amend Bill 8 and grant the Ontario Ombudsman the direct power of investigation over health care. Otherwise, the abuse, untimely deaths and continued erosion of quality care will continue.

This is a non-partisan issue, and I urge each and every member to think about your own mother and how something similar could happen to a family member in the future. This situation is critical. Please vote your conscience. Thank you.

**The Chair (Mr. Grant Crack):** Thank you very much. Yes?

**Mr. Joe Colangelo:** Yes.

**The Chair (Mr. Grant Crack):** Okay, so you have just under two minutes.

**Mr. Joe Colangelo:** Good afternoon, Mr. Chair, members of the committee. My name is Joe Colangelo. I am a lawyer. I assist Ms. Daskalos on a pro bono basis because this is a very important issue, but I would also like to be of some assistance to this committee. If there are some questions that members of the committee would like to put to me after the session is over, I'd be pleased to consider them and respond in writing.

We have given you a six-page submission which is the essence of the submissions on the law, and I will give you a summary of them.

I would urge the committee to remember that the Ombudsman is an essential critical part of the civil liberties of this province. It was borne out of a commission called the McRuer commission many years ago, and his or her office is a special office. He is an officer of the Legislature of Ontario, appointed on address of the assembly. He reports to the Legislature. This is about independence and accountability.

The patient ombudsman described in schedule A to the proposed act, Bill 8, does not have those features. He or she is appointed by the party in power. He or she reports to the minister who is responsible for the health care organizations. There is a problem with not only accountability and objectivity, but with the appearance of objectivity and accountability. Thank you very much.

**The Chair (Mr. Grant Crack):** Thank you very much, sir. So we will move—traditionally, we start with the Conservatives, but we'll go with the NDP to start.

**Ms. Catherine Fife:** Thank you very much for coming here and sharing your story. I think it takes a lot of courage. I will not surprise you, I hope, to know that the NDP of course supports an independent provincial Ombudsman. We've been fighting for it for a number of years. But I just want to get some points for the record, if you don't mind.

Do you share our concerns that the new patient ombudsman would be appointed by cabinet?

**Mr. Joe Colangelo:** Absolutely.

**Ms. Catherine Fife:** Do you share our concerns that the patient ombudsman will be employed by the Health Quality Council and, therefore, will be an employee of an agency of the government?

**Mr. Joe Colangelo:** Yes.

**Ms. Maria K. Daskalos:** Yes.

**Mr. Joe Colangelo:** And that point is addressed specifically in our submission. The Ontario Health Quality Council has a membership which is not at arm's length from health care organizations. They are the employer of the patient ombudsman. That is inappropriate, in our view.

**Ms. Catherine Fife:** Thank you very much for that. There has been a lot of talk about patient advocates. There's obviously a case to be made for patient advocates; they're not useless folks. Do you agree that it is important to help people resolve issues, but patient advocacy and facilitation are not oversight?

**Mr. Joe Colangelo:** Absolutely. It's advocacy; it's not oversight.

**Ms. Catherine Fife:** So the issue of the patient ombudsman—delegations came here on Monday as well. Several of them made equally emotional and powerful deputations. Their concern is that there will be a culture of fear that a patient ombudsman would be operating in and, therefore, would not be able to fulfill their full responsibilities.

**Ms. Maria K. Daskalos:** Absolutely. They could not. It would be impossible for them to do so because they are being paid by the Ministry of Health.

**1310**

**Ms. Catherine Fife:** There are a lot of weaknesses with this, and this is one of the reasons that we didn't support the use of so-called transparency and accountability. This is an omnibus bill, and there are good things in Bill 8 that we can support around true accountability, but the call for true oversight in the health care system, which is a \$52-billion budget item, is required in the province of Ontario. Can you please add any other comments that you might feel would help persuade the government to bring—

**Ms. Maria K. Daskalos:** I would say we are the only province remaining—and many people don't realize that—without independent oversight by the provincial Ombudsman. It is time for the Liberal government to own up to their promises. They have talked about being accountable and more transparent, and this is their opportunity. It is a most vulnerable sector. In fact, health care should have been the first thing that was given direct oversight by the government—and children's aid societies.

**Ms. Catherine Fife:** Thank you very much for coming here today.

**The Chair (Mr. Grant Crack):** Thank you. We'll move to the government: Mr. Baker.

**Mr. Yvan Baker:** Thank you very much. Thank you both for coming in and thank you for sharing your story. I think it's not easy to do what you've done.

**Ms. Maria K. Daskalos:** Sorry, I can't hear you.

**Mr. Yvan Baker:** It's not easy to do what you've done, and I wanted to thank you for coming in to share your personal story.

**Ms. Maria K. Daskalos:** Thank you.

**Mr. Yvan Baker:** I think that's difficult, particularly in this public setting with all of us, so thank you.

I'd like to share a few quick points and then ask you a question or two, if I may. Obviously, the intent of the bill was to make sure that we had someone who was specialized in health care looking at some of the issues that you've described and others, and that person being in a position to be able to do two things. One is to make sure that they could handle systemic reviews, so they'd go across the health care system in a specialized and sector-specific way; but also that feedback that comes from people like yourself and others, patient feedback, that that gets brought into the health care system as quickly as possible and the corrective measures get taken. That was the intention behind keeping the patient ombudsman within Health Quality Ontario.

Health Quality Ontario is an arm's-length agency of the government. What we've tried to do to make it as independent as possible. I know that's the key point that you've raised. We've tried to do a few things. One is that the patient ombudsman would still report publicly. All the reports that they would make would be made—and the minister's, of course—public as well. There would be a dedicated budget offered to the patient ombudsman. In other words, they would have the funding ensured so that they could operate independently.

The other thing is that the Ontario Ombudsman would still have oversight over this ombudsman, so that level of oversight would still be there, again, with the spirit of trying to make sure that concerns that you've raised get brought into the health care system as soon as possible. Those are some quick thoughts on some of the issues that you've raised.

Let me just ask you to tell me a little bit about what the benefit would be of additional oversight, in your view, in the health—

**Ms. Maria K. Daskalos:** Okay, I can answer that. First I'll address the first part of your question. I disagree that an ombudsman who has oversight powers should be a doctor, necessarily, or a health care professional. I believe it should be someone who is an experienced investigator. The Ontario Ombudsman has those abilities and everything is in place.

I disagree with the statement that it would be providing oversight because it would be providing advocacy, which is fine, maybe in the health care environment, but most times when something goes terribly wrong, like it did in my mother's case—and it's not an isolated matter—you have to feel that you can trust the person you're going to. A patient ombudsman or internal patient ombudsman appointed by the Minister of Health and reporting to the ministry, being paid by the ministry, cannot absolutely be impartial. They cannot investigate. It's illogical. They are working for the ministry. You need independent oversight and the government should not fear that. They should not. It is time for that to happen. You can appoint another patient relations advocate within the health care system; I'm fine with that. But I do believe that person should have oversight.

You made another comment saying that the provincial Ombudsman would then have oversight over this individual. Well, by that time I don't believe they'd be able to effectively do their job, and then the patient would have to complain again about that so-called internal patient ombudsman, let's say, and their inability to do the job, and then you would have to possibly get the provincial Ombudsman involved. That's creating another level that is totally unnecessary. It will cost this government nothing to just do the right thing and give the Ontario Ombudsman the direct oversight over our health care system.

**The Chair (Mr. Grant Crack):** Thank you very much. I really appreciate you coming forward and sharing your insight, so thank you very much. The time is up and we'll continue.

**Ms. Maria K. Daskalos:** Thank you.

**Mr. Joe Colangelo:** Thank you, Mr. Chair, and thank you, members of the committee. You folks have a good day.

#### MUNICIPAL INTEGRITY COMMISSIONERS OF ONTARIO

**The Chair (Mr. Grant Crack):** Next we will have, from the Municipal Integrity Commissioners of Ontario, Mr. Levine and Mr. Elston.

**Mr. Greg Levine:** Thank you.

**Mr. Harold Elston:** Thank you.

**The Chair (Mr. Grant Crack):** You have five minutes.

**Mr. Greg Levine:** Sorry. Can you hear me?

**The Chair (Mr. Grant Crack):** Yes.

**Mr. Greg Levine:** Thanks. My name is Greg Levine. I'm a lawyer from London and Southampton, Ontario. I'm accompanied by Harold Elston, who is a lawyer in Collingwood, Ontario.

We're both integrity commissioners for various municipalities and we both are members of a network of municipal integrity commissioners. It's on behalf of that grouping of commissioners that we appear today.

The commissioners are deeply concerned about the potential effects of schedule 9 of Bill 8 on the development of municipal integrity regimes and the ability of commissioners to do their work.

You have a copy of our presentation; I'm not going to read through it all, but I just want to highlight some things.

Schedule 9 will extend the provincial Ombudsman's jurisdiction to encompass municipalities. It would appear that jurisdiction will extend to the accountability officers of those municipalities and their work as well, although this is not explicitly stated except with respect to municipal ombudsmen and open meetings investigators. Practically speaking, the coverage of accountability officers would appear to be duplication.

In addition, the potential to reinvestigate or to simultaneously investigate complaints will raise confusion. Diminution of the powers of the integrity commissioners

will also occur through some of the amendments proposed in schedule 9.

Because of the breadth of the term “administration” in the Ombudsman Act, it’s likely that the Ombudsman will have jurisdiction over integrity commissioners. It would appear that the current Ombudsman has taken this position. Bear in mind that the integrity commissioners are legislative officers appointed under legislation by councils. The potential jurisdiction of the Ombudsman creates a cumbersome scenario in which officers who are essentially parliamentary in their own right are looking at exactly the same sets of problems. This is unheard of in the ombudsman world and in the world of officers of the Legislature.

I know that time is short, and our needs are somewhat urgent. I’m going to cut to the chase. If the Legislature has not intended that the jurisdiction be so broad, it ought to clearly specify that and to exclude the accountability officers. If it does intend to have jurisdiction extend to accountability officers, particularly integrity commissioners, it should do two things.

As the legislation now stands, there is deference given to the municipal Ombudsman; that is, that there will be no investigation by the provincial Ombudsman if there’s an investigation under way, and no investigation will be triggered until that investigation has ceased or there’s a refusal to investigate or some time limit has run out. That should be the same for all accountability officers, and particularly integrity commissioners.

Secondly, there’s a confidentiality provision in our legislation, in the Municipal Act, which allows integrity commissioners to maintain confidentiality. Subsection 19(3) will be amended by schedule 9 to pierce that confidentiality. That will weaken the integrity commissioners. It raises the possibility that information given in confidence to the municipal commissioners will be released by the provincial Ombudsman. This is not an acceptable outcome. It’s inappropriate, and that should be changed.

Finally, rather than diminish the integrity commissioner, why not consider enhancing it? It’s actually interesting that in these years since 2006, there has been the growth of a network of integrity commissioners. The Mississauga inquiry report, by Commissioner Cunningham, called for changes which would enhance the commissioner systems, such as statutory indemnity, and, as well, harmonizing the Municipal Conflict of Interest Act with the integrity commissioner and code systems. That issue is the major issue at the municipal level for people out there. The reality is, extending the Ombudsman’s jurisdiction won’t do anything about that. Thanks very much.

1320

**The Chair (Mr. Grant Crack):** Thank you very much. You had four seconds left. I appreciate that.

We’ll start with the government side: Mr. Ballard.

**Mr. Chris Ballard:** Thank you very much for coming forward with your presentation. You’ve made some very interesting points that I know we’ve taken note of. I am particularly fond of integrity commissioners. The town

that I was a municipal councillor in, the town of Aurora, once had one and then got rid of the gentleman, for a variety of reasons—well, he actually resigned. We didn’t get rid of him. He saw what was coming.

It leads me to one of the issues I have for those communities that claim not to have the resources in order to hire an integrity commissioner. Isn’t the oversight provided by the Ombudsman a good thing?

**Mr. Greg Levine:** Some oversight would be. But it is interesting that you wouldn’t go to—if you wanted provincial oversight, why wouldn’t you go to subject matter experts? You have a provincial integrity commissioner; why would you give that role to the Ombudsman when you have a subject matter expert in the integrity commissioner? Why wouldn’t you give that to the provincial officer instead of letting the Ombudsman re-create the wheel around this stuff, which you already have expertise in, both municipally and provincially?

**Mr. Chris Ballard:** Yes. Okay. Thank you for that. I know that we’ve had at least two mayors come forward, from Niagara Falls and the former mayor of Windsor, who both stepped forward and said that they’re looking forward to and would welcome provincial Ombudsman oversight of their municipalities, so I was just—

**Mr. Greg Levine:** Oh, sorry, but we aren’t arguing against oversight over the administration generally. That’s not the point we’re making. We’re not saying to oust the Ombudsman entirely. We’re making a point about accountability officers and integrity commissioners specifically.

**Mr. Chris Ballard:** I guess the last question—and we can look at these details to maybe clarify in my own mind, but my reading of the legislation that we have in front of us looks to the fact that the local process, the investigating officers, integrity commissioner, whatever, finish their work first before the Ombudsman’s office could possibly get involved.

**Mr. Greg Levine:** But that only specifies—(4.2), as it’s written, only specifies municipal ombudsmen. It does not mention the other officers, and so it does not defer—

**Mr. Chris Ballard:** So, you’re looking for clarification on all of the other investigative authorities as well.

**Mr. Greg Levine:** Yes, absolutely.

**Mr. Chris Ballard:** Okay. That’s good to know. Just as an aside, because I have been very—and I argued strenuously when I was on Aurora town council for the need for integrity commissioners, and I’m glad to see the association, quite frankly—that there is one. Does your group do any certification, any training for other municipalities who may be looking to hire someone, that they can point to a code of conduct they sign or a certificate they have?

**Mr. Greg Levine:** We don’t have a formal training program, but each of the commissioners does training. I have been contacted by municipalities and have given them lists of our members. We will make ourselves available, certainly.

**Mr. Chris Ballard:** Thank you very much.

**The Chair (Mr. Grant Crack):** Thank you very much. I appreciate it. We'll move to Ms. Fife, from the NDP.

**Ms. Catherine Fife:** Thank you very much for your presentation today. I'm glad that you clarified the direction or the support for a provincial Ombudsman, because I think that point may have been a little bit lost, so I'm glad you clarified that.

I find it interesting, though, that you are both former integrity commissioners.

**Mr. Greg Levine:** No, we are both current integrity commissioners.

**Ms. Catherine Fife:** You're both current, because I think my notes have that there are a few dozen municipal integrity commissioners. So you have a provincial association.

**Mr. Greg Levine:** We are in the process of forming one. We have met for the last four years as a group. We meet twice a year. We talk about issues, and we do—which goes to part of that last question—do a lot of training of ourselves.

**Ms. Catherine Fife:** For yourselves?

**Mr. Greg Levine:** Yes, and we offer training to others.

**Ms. Catherine Fife:** As integrity commissioners, though, you are paid by the municipality. You're an employee of the municipality for which you oversee integrity?

**Mr. Greg Levine:** Be careful about "employee"—

**Ms. Catherine Fife:** I don't need to be careful; I just mean—

**Mr. Greg Levine:** No, but that word—

**Ms. Catherine Fife:** You're an independent—sorry. Let me finish.

**Mr. Greg Levine:** Sure.

**Ms. Catherine Fife:** No, no. I'm just trying to figure out who pays you.

**Mr. Harold Elston:** The municipality pays us, but we are independent of them, and that's always made very clear.

**Ms. Catherine Fife:** But you report to the council—

**Mr. Harold Elston:** To the council.

**Ms. Catherine Fife:** —and not to anybody in the administrative side of things. Okay.

Also, Greg, you mentioned some of the key issues you face, which would be conflict of interest. You identify that as a key issue that you, as an integrity commissioner, face on a day-to-day basis. I know that the current Municipal Conflict of Interest Act solely deals with pecuniary interests. Is that right? Have you ever found yourself, as an integrity commissioner, in the untenable place of being critical of the people you report to and the people who hire you or who are paying your salary?

**Mr. Greg Levine:** Not really.

**Ms. Catherine Fife:** Not really?

**Mr. Greg Levine:** No.

**Ms. Catherine Fife:** That's never come up?

**Mr. Greg Levine:** Actually, no. I can't even think of an oblique way that that's come up. Never directly or—

**Ms. Catherine Fife:** That's really good to know.

I think it's interesting that the Toronto ombudsman came here on Monday to make the case that the provincial Ombudsman would be duplication—

**Mr. Greg Levine:** Right.

**Ms. Catherine Fife:** —but you're not here making that case. You're not saying that the provincial Ombudsman is a duplication of the kind of work you do as an integrity commissioner.

**Mr. Greg Levine:** Actually, I think we did make that case. If the Ombudsman has jurisdiction over issues that we deal with, then there will be duplication. That is the case we're making. That's part of it; it's not the only part. That's why we think there shouldn't be oversight of the accountability officers. There will be duplication. That's a problem.

**The Chair (Mr. Grant Crack):** Thank you very much. We really appreciate you coming before committee.

**Mr. Harold Elston:** Thank you very much for the opportunity.

#### CITY OF TORONTO

**The Chair (Mr. Grant Crack):** I would like to call upon Ms. Shelley Carroll, councillor for the city of Toronto. Welcome. You have five minutes,

**Ms. Shelley Carroll:** We should get extra for having to say "ombudsman" 70 times in this deputation.

Good afternoon, Mr. Chair and members of the committee. Thank you for providing the time for the city of Toronto.

We find the goal of Bill 8 to be a very positive ambition. However, the benefit of applying its requirements to Toronto, already subject to the City of Toronto Act accountability offices, is not clear to us.

In compliance with provincial legislation, Toronto already has a robust accountability model, including an ombudsman, integrity commissioner, lobbyist registrar, AG and open meeting investigator. As a result of your requirements, Toronto is considered internationally to be a municipal best practice model for accountability and open government. These offices function very effectively and have done so for years. The credibility of our accountability framework, therefore, would be undermined if Bill 8 was enacted in its current form.

Toronto is the only municipality in Ontario that is required by provincial law to appoint an ombudsman, and we met that obligation in 2008 and immediately established a framework. The operating framework for Toronto's ombudsman is in line with that found in most Canadian, Australian and British parliamentary jurisdictions, including the framework for your own Ontario Ombudsman.

One of the universal principles of an independent ombudsman is that the findings will not be reviewed or quashed. That's a principle. This principle affords an ombudsman the ability to arrive at his or her views and conclusions independently and report them to the legisla-

tive body without interference. The City of Toronto Act reinforces this principle by providing that the proceedings of our ombudsman may only be challenged for lack of jurisdiction. The government that is responsible for the services, and the government that appoints the ombudsman, should be accountable for the findings of that ombudsman's investigation, including directing the changes and implementing the changes to those services they are responsible for.

The proposed legislative amendments to Bill 8 could result in two investigations, once by the Toronto ombudsman or open meeting investigator, and then again if the matter is reviewed by the Ontario Ombudsman. The jurisdiction of that second investigation is now unclear. Who is ultimately accountable for the second set of recommendations? More importantly, who pays for their implementation?

The City of Toronto Act ombudsman, with an independent reporting relationship to Canada's sixth-largest government, is in a better position to evaluate complaints about city administration and prioritize those investigations on behalf of nearly 2.8 million residents. Having two ombudsmen is duplicative and confusing to that public.

1330

Like the province, the city of Toronto has invested resources in community outreach to ensure that all citizens know they have an ombudsman at their disposal in their city. And despite headline-grabbing open debates, city council has adopted and directed the implementation of all the Toronto ombudsman's 96 recommendations to date.

The quality of the investigations has vastly improved as the Toronto public service staff developed a respect over time for the authority of the independent accountability offices. As a result, the recommendations of our ombudsman in particular have become more effective and more impactful over the last five years.

City council is opposed to amendments that will require council to meet in closed session where the subject matter being considered is an ongoing investigation by either the Toronto or Ontario ombudsman. Unlike the previous deputant, we feel that we want to maintain our Toronto city council edition of deliberating in public when we have an ombudsman report before us.

The city of Toronto, therefore, recommends that Bill 8 be amended to extend the mandate of the Ontario Ombudsman only to Ontario municipalities that have not appointed a municipal ombudsman under the legislative framework provided.

The city of Toronto also recommends an amendment to provide that a meeting of council or a local board or corporation "may" rather than "must" be closed when deliberating an investigation. This is consistent with legislative open meeting requirements for most other matters.

We thank you very much for your consideration of our concerns, and we're prepared to take questions.

**The Chair (Mr. Grant Crack):** Thank you, Councillor Carroll. We appreciate your being here. We will begin with the NDP.

**Ms. Catherine Fife:** Thank you very much, Councillor Carroll, for coming in. You heard the previous delegation around integrity commissioners—

**Ms. Shelley Carroll:** I did.

**Ms. Catherine Fife:**—so this is an interesting point, because there are now actually a number of municipalities that are trying to appoint integrity commissioners very quickly because they want to have a very local sort of perspective. As I mentioned, the Toronto ombudsman was here on Monday and made a compelling case for the work she is doing, particularly around the Toronto Community Housing Corp.

I just had a couple of questions of clarification for you. Were you on council when the city of Toronto decided to go with an ombudsman versus an integrity commissioner?

**Ms. Shelley Carroll:** We didn't decide to go with one. The province, with the creation of the City of Toronto Act, required us to have an ombudsman. At that time, we appointed one. Having been elected in 2003, I have functioned in a city government without and with a suite of accountability offices, and in fact was part of hiring our current ombudsman and integrity commission.

**Ms. Catherine Fife:** Any comment, then, on the pre- and post-sort of experience as a councillor?

**Ms. Shelley Carroll:** We find they're very highly effective, and I think it sometimes goes unnoticed to the public. We're not a party government, and so there's no whip. We have big, open debates and make our sausage in public and treat every report as a smoking gun. Then, when we're done, we unanimously adopt the recommendations and direct our staff to do them, and we have a good track record of having them done.

**Ms. Catherine Fife:** I think that most of us, given your history in the city, would have an appreciation of a unanimous endorsement of a recommendation from the ombudsman.

One other question: Does your Toronto ombudsman currently have the power to investigate municipal closed-door meetings?

**Ms. Shelley Carroll:** No. Our structure is that we have an integrity commissioner. The integrity commissioner works in concert with an open-meeting investigator, and we have a very distinct definition for each. The ombudsman is there for the citizens, and works on citizen complaints about the public service. The integrity commissioner and the open-meeting investigator have all matters referred to them that deal more directly with those governance issues. It's only occasionally that the ombudsman, in her findings, has to really implement governance. That's more of an issue with the integrity commissioner.

**Ms. Catherine Fife:** So just to summarize, you're asking the government for an exemption for the city of Toronto, given the fact that you have an established Toronto internal ombudsman?

**Ms. Shelley Carroll:** We think our position is unique. The reason we're asking for it for Toronto alone—and it's up to the government how they want to address

this—is that currently we're the only municipality whose accountability office, in particular the ombudsman, is established under your own legislative framework. That's why we're asking for the different approach.

**Ms. Catherine Fife:** Okay. So the province appointed your city ombudsman, and now they're also going to appoint—

**Ms. Shelley Carroll:** We were ordered to appoint.

**Ms. Catherine Fife:** You were ordered to.

**Ms. Shelley Carroll:** Yes.

**Ms. Catherine Fife:** I just wanted that on the record.

**The Chair (Mr. Grant Crack):** Thank you very much. We will move to the government. Mr. Ballard.

**Mr. Chris Ballard:** Thank you very much, Councillor Carroll, for coming in and representing Canada's sixth-largest city.

**Mr. Mike Colle:** Government.

**Mr. Chris Ballard:** Government.

**Mr. Yvan Baker:** It's the biggest city.

**Mr. Chris Ballard:** Yes, the largest city.

**Ms. Shelley Carroll:** We are larger than Montreal by the size of Vancouver.

**Mr. Chris Ballard:** I stand corrected.

**Mr. Mike Colle:** Welcome to Toronto.

*Interjections.*

**Mr. Chris Ballard:** You've thrown me right off now, you know. Or I threw myself right off.

I know that the government respects the jurisdiction of the Toronto ombudsman and Toronto city council. Fiona Crean was in, and she has done excellent work to improve the quality of public service for all Torontonians.

I guess the question I would have for you is: Looking at the role of the provincial Ombudsman, they have an opportunity to investigate systemic issues across the province, and perhaps your suggestion would remove them from being able to investigate or look at what was happening in the city of Toronto while they were examining those issues across the rest of the province. I'm just wondering, from your perspective, how that would serve Toronto residents.

**Ms. Shelley Carroll:** Well, here's the thing: We're not really here defending a particular ombudsman, and specifically not Fiona Crean. We're really here defending the City of Toronto Act. The province made a decision back in 2005 to develop the City of Toronto Act and put us under unique legislation given our unique situation. So we have very strict legislative principles that we have to abide by, according to any provincial government going forward.

While we understand the need for an ombudsman to look across the country for systemic things that may affect the Municipal Act, for instance, or even the Municipal Elections Act—he may go looking at those things—we have a relationship with the provincial government that makes it possible that, should his findings mean that a discussion has to happen, table to table and one on one with the city of Toronto so that we're all in line, there is language in the Municipal Act that allows us to address

the issue of there being a Municipal Act and a City of Toronto Act.

There is a governance mechanism by which you can apply findings to all municipalities that would be good for all municipalities. We're just asking for the mature government relationship in the City of Toronto Act to be upheld, so that our ombudsman, who exists under a very similar legislative framework to your own, is truly by definition an ombudsman who is not the court of penultimate resort, but the court of last resort.

**The Chair (Mr. Grant Crack):** Okay. Thank you very much. We appreciate that. Ms. Martow.

**Mrs. Gila Martow:** Thank you so much for coming. I'm just wondering how you feel about social media and how that affects the mandate for an ombudsman these days. I just feel that so much has changed in terms of how things are dealt with—so often now we see councillors, municipal representatives, provincial representatives and ombudsmen hashing it out in the public forum on social media—and whether you feel that that sort of reflects what you're advocating for; if that creates more of a need.

**Ms. Shelley Carroll:** Well, certainly there is a need in every governance structure for a policy regarding social media—how we govern ourselves in social media—in particular in municipalities where there is no real party firewall, no party whip to make sure that people are abiding by those types of guidelines. An integrity commissioner addresses those things.

In the case of the city of Toronto, our integrity commissioner had to look at an election four years down the road. She made loose recommendations last time. In 2014, with all 44 councillors active in social media, she had to make some much more defined policy.

There should be policy for accountability officers, but the good news is that we went looking to see if they're actually looking at it themselves, and they are. There are international societies of integrity commissioners, auditors and ombudsmen, and in all of those the usage of social media is now being discussed, because every government asks them to do their own independent outreach, and you can't ignore that one of the ways you access it is through social media.

**1340**

But how, then, do you conduct yourselves? In the interest of respecting their need to be independent, I think what we all need to do—every order of government—should be to closely monitor what those international societies are coming up with in the way of their own self-governing college form of policy around their own use of social media for outreach.

**Mrs. Gila Martow:** I think, speaking of colleges, that maybe it's time for university programs and diplomas, in terms of integrity, being an ombudsman—maybe it has to be a university course. That gives us something to think about.

**Ms. Shelley Carroll:** I think law school is a pretty stiff education, and all of our integrity commissioners have been respected lawyers.

**Mrs. Gila Martow:** Yes, but I'm just saying in terms of special social media use and all that type of stuff.

**Ms. Shelley Carroll:** Agreed.

**The Chair (Mr. Grant Crack):** Thank you very much. I really appreciate you coming forward, Councillor Carroll.

**Ms. Shelley Carroll:** Thank you.

#### ONTARIO PUBLIC SCHOOL BOARDS' ASSOCIATION

**The Chair (Mr. Grant Crack):** Up next is the Ontario Public School Boards' Association: the president, Mr. Barrett; and the president of the Ontario Catholic School Trustees' Association, Ms. Burtnyk. Welcome.

**Mr. Michael Barrett:** Thank you. Good afternoon. My name is Michael Barrett. I'm president of the Ontario Public School Boards' Association. Joining me today is Kathy Burtnyk, who is president of the Ontario Catholic School Trustees' Association. Indeed, we welcome this opportunity to be able to comment on Bill 8. This afternoon we'll focus mainly on the key points that address issues in schedule 1 and schedule 9.

The bill's title refers to accountability and transparency. These are certainly two values that school boards and their elected trustees strive to ensure on a daily basis and our governance models are built around them. School boards are the most regulated entities in Canada, reporting regularly and in great detail to the government.

Financial reports are made three times a year, in addition to multiple reports with regard to students, employees and board improvement planning. The business of a school board is largely conducted in public and posted on board websites for communities and individuals to see.

In schedule 1, the bill aims to establish compensation frameworks for a lengthy list of public sector employers including Ornge and Metrolinx, to name a few, as well as the executives at school boards. It would give the government the power to directly control executive pay, including the option to set sector-specific hard caps. We have strong concerns about the inclusion of compensation frameworks for school board directors of education and supervisory officers. We do not believe the compensation structure for these positions fairly compares with CEOs and senior executives at the other organizations identified in this schedule.

Considering the scope of work and span of responsibility that comes with their positions, the compensation reflects the lower end of market value. These are salaries that do not need to be reined in in the context of legislation which is otherwise directed at a small grouping of highly compensated executives. The inclusion of school boards sends a skewed message.

Let me focus on the impact for school boards trying to run an effective school system. School boards need the ability to attract and retain the best leaders and educators for our students. Succession planning is a serious challenge for us. This bill allows no incentive for succession

planning and has the capacity to wreak havoc on internal equity in compensation structures. It is possible that employees who collectively bargain could receive higher compensation in their current position than the person or level above them to whom they report. This simply does not make any sense, nor would it be acceptable in most workplaces. School boards should not be considered in this grouping of public sector organizations.

If there are to be compensation frameworks for our sector, they need to be developed through consultation and based on labour market research, as well as considerations of internal equity. Any framework must reflect the quality of the education sector.

Under schedule 9, the proposed bill would give the Ombudsman the power to investigate school board decisions, triggered either by an individual complaint or by the Ombudsman himself.

In the education sector we have provisions already for review of decisions, most of which involve third parties. We have internal standard reviews, objections, appeals, hearings and tribunals covering a wide range of possible disagreements in the areas of special education, suspensions, expulsions, human rights violations, privacy violations, school closings and so on.

This is not true, to this extent, of other sectors that the Ombudsman oversees. We would add that many complaints that school boards receive from parents and community involve matters already legislated by the Ministry of Education or are restricted because of the ministry's funding. The Ministry of Education would have to also be included as a member to these complaints.

The bill allows for a thoroughly reviewed complaint to be brought forward to the Ombudsman, requiring a school board to undergo yet another layer of investigation and administrative process, with the delays, uncertainty and costs that this would entail.

Based on real experience, we have strong concerns that legitimate and necessary school board processes will be undermined and even taken advantage of by those seeking to generate attention, including media attention, for their own purposes.

A Liberal minister, in the House, during second reading debate, said, "The proposed act would give the Ombudsman the authority to investigate complaints about school boards. This would give parents and members of the public the option to direct their complaints to the Ombudsman, if they're not satisfied with a school board decision."

"Not satisfied" covers an awfully broad spectrum of personal perspectives that can be at odds with the reasonable exercise of one's rights. It is, in fact, unclear to us what the problems are that this proposed legislation aims to resolve, and we would caution that the proposed solution has the potential to create even greater issues for government.

We maintain it is unnecessary to extend the purview of the Ombudsman to school boards. Adding yet another unnecessary layer of review is not a reasonable act of good public policy or prudent use of the taxpayers' money.

We emphasize that school boards are willing partners in advocacy for transparency and accountability. We need the ability to act responsibly in the exercise of local governance. This includes having the mechanisms to implement effective hiring of staff and recognition of proven processes that work for students, parents and communities. We have to remember that trustees are of the community, by the community and for the community, and therefore take their responsibilities seriously. Thank you.

**The Chair (Mr. Grant Crack):** Thank you very much, sir. We will start with the government side: Mr. Baker.

**Mr. Yvan Baker:** Thanks so much for coming in. I appreciate it. I'd like to make a couple of points, if I can, and then ask you a question, if that works.

First of all, I come from the private sector. I'm a consultant to companies who are hiring executives and remunerating executives. I certainly understand the need to manage money wisely and at the same time attract good talent. I think that's exactly what we're trying to achieve through this legislation.

The idea here is, first of all—the legislation actually allows us to collect the information so we are now aware of what folks in the public sector are making, and then we can impose frameworks, caps or whatever the case may be that would allow us to control that compensation. So we're doing it in a way where we are obtaining information and then consulting with various sectors to make sure that we identify what those caps should be so that they're sensitive to the issue that you've raised, which is making sure that we're attracting the right people. We have got a commitment to balance the budget by 2017-18, and this is one of the measures that can help us do that.

But again, this is really designed to be a responsible approach, where we gather the information, so we address the issue you're concerned about, but we also put in place reasonable frameworks that are sector-specific.

The other thing I would say about Ombudsman oversight is that every parent deserves the right to have access to an ombudsman and that level of oversight. It would allow the school boards to undertake their own reviews before the Ombudsman would get involved. So you wouldn't see the Ontario Ombudsman being involved until the local school board had finished their investigation.

This provides an added layer of oversight. My question to you would be: Do you not think this approach is much more sound than the approach that has been proposed by the NDP, which is a hard cap across the board?

**Mr. Michael Barrett:** First of all, there were a couple of things within your preamble that I'd just like to be able to comment on. You used two words that concerned me a little bit: "impose" and "control." I think that's exactly what we are talking about. We have certainly seen an imposition and controlling of directors' salaries so that we are in a position today that is very difficult to be able to have people stand up in leadership roles.

I, too, am from the private sector. I have 900 employees in the province of Ontario. This is certainly not a methodology by which we would be going about to be able to determine what fair and adequate compensation is.

We are having grave difficulty today having people—directors or superintendents—stand up and take a leadership position when the gap is so small for the additional responsibilities, and the concept of having two bosses—because they are employees of us and they're also employees of the Ministry of Education as well.

If we're looking at, and not getting into the politics of, what suggestion is right with regard to the Ombudsman piece, I would say that this act certainly has a framework in it that is holding school boards and anyone else who is included under this act to a greater level of control and supervision that they are not in the other cases.

For example, in this legislation you don't have to be able to actually conclude your investigation. You could actually tell us that you are concerned about something and announce it to the public on Tuesday. That is not the concept that we would like to be able to operate under.

**1350**

I'm an ombudsman. I'm a trustee. I'm publicly elected. I get a performance review every four years. The concept of being able to have yet another level of government come in to be able to determine whether it's right or not—you will be inundated with decisions that the school board makes in good, defined, well-thought-out processes. Because a parent doesn't like it, you will be inundated with the number of complaints that will come forward from the public. I—

**The Chair (Mr. Grant Crack):** Thank you.

**Mr. Michael Barrett:** Oops. Thank you.

**The Chair (Mr. Grant Crack):** Thank you very much. Appreciate it.

**Mr. Michael Barrett:** I used up your whole three minutes. I apologize.

**The Chair (Mr. Grant Crack):** It was almost four, so I apologize.

Go ahead, Mrs. Martow.

**Mrs. Gila Martow:** I think that the concern that I would want to raise—and I want to thank you both for coming in—is that, as a parent of four kids, I think we all want to see our education tax dollars going to the classroom as much as possible. We all understand that it's not possible to put every penny in the classroom, that we have administration costs associated with the entire education system in the province. Now, I don't see that this is going to be giving value to the parents and the taxpayers, who are all sort of involved in the raising of the kids in the province.

That's what I would want you to sort of clarify for us. Do you see this as taking valuable education dollars—whether it comes from the education budget or not, it's tax dollars that could have gone to the education budget. Is this taking valuable education dollars and putting them towards another bureaucracy, another level of administration, ballooning the administrative costs, and again,

money that would have been better spent in the classrooms?

**Mr. Michael Barrett:** I appreciate the question. Certainly, myself, I'm a father of six, so—

**Mrs. Gila Martow:** You win.

**Mr. Michael Barrett:** I win. Between us, we've almost got a dozen—different spouses.

With regard to the classroom dollars—and probably, as you are very, very well aware, a great deal of the money that is given to school boards is indeed already enveloped. So what we do see is a very tightly controlled budget process that really determines where the dollars are spent at the school board level. With salaries and other programs, you're probably talking in the upper 90%, where there's not a lot of great flexibility for a school board to be able to spend those dollars.

Therefore, the concept of being able to add additional oversight responsibilities—and I recognize and certainly appreciate the need to be able to balance the budget. As a businessman, I understand that myself. But to be able to think about being able to take additional dollars and utilize them outside of the classroom in providing an oversight responsibility that we indeed already have is not something that we would support.

**Mrs. Gila Martow:** I think that in the age of cyber-bullying and, I brought it up before, social media, I would prefer to see the money spent—and maybe the trustees have to be involved in the program and school administrators have to be involved in the program—on a program that involves the kids in the school system which is focused on the vast world of social media, cyber-bullying, websites and all of that, a program that sort of brings us all together in the province, rather than another venue for complaints and another layer of bureaucracy. I'm just sort of throwing it out there at you in terms of: Let's put the focus on the classroom.

We're done?

**The Chair (Mr. Grant Crack):** Yes.

**Mrs. Gila Martow:** That's fine. Thank you.

**The Chair (Mr. Grant Crack):** Thank you very much. I appreciate it.

Ms. Fife.

**Ms. Catherine Fife:** Thank you very much. You will know, of course, that both the PCs and the Liberals supported this bill. The New Democrats did not, for a whole host of reasons, mainly to do with a lack of transparency and a lack of accountability.

Having sat exactly where you're sitting right now—and that's a little weird right now—I do want to focus specifically on the attention that the bill focuses on salaries of executive compensation in the education sector. We did have a delegate come here on Monday, and I said to him, "Are you not concerned with the \$1.7-million salaries in the power sector or the \$1.3 million in health care? The executive director of Sunnybrook makes \$780,000." I said, "Why the focus on education?" Essentially, I think his answer was, "Well, because that's easy."

So you've come here today; you've made some compelling points around competitiveness within the education sector and the challenges that directors are facing, especially with the increase in the centralized power of the Liberal government. That is politics at play there—

**Mr. Michael Barrett:** I heard about it.

**Ms. Catherine Fife:**—so you don't need to address it. I know you heard it, Michael. How have you come to determine what is fair executive compensation in the education sector?

**Mr. Michael Barrett:** I think that's a fair question. Certainly, again, with the background of myself in business—and I'm an HR individual; that's where I've come from, so I've been dealing with compensation for the last 30 years—I understand that this is a process on being able to determine what indeed is fair compensation. To the earlier question about trying to be able to ascertain that, it is a very important process.

But to back up two steps quickly, as a taxpayer and as an individual, I would have grave concerns over the executive compensation. But we are, I think, taking a two-by-four to be able to address an issue, and I think it needs to be focused. We do have salary surveys, being able to understand the scope, being able to develop a framework for fair compensation. I have done that in my own board in order to be able to ascertain what my director—when I had the responsibility to be able to actually set a salary. But we have not been able to set a salary now for a few years—

**Ms. Catherine Fife:** As a trustee, you're—

**Mr. Michael Barrett:** As a trustee, correct. So therefore, we are getting to that point that X is going to meet Y, and we're going to experience a leadership crisis here in the province in education.

**Ms. Catherine Fife:** Yes, I think X and Y hit the rubber on the road in the Toronto board.

I do want to just share my support for your comment in your deputation where you say that any sort of complaints going forward would have to involve the Ministry of Education, because, as you accurately point out, any complaints around funding and service levels of delivery, if you will, especially on the spec ed file, are very much connected to the lack of funding on the spec ed. So we'll put forward this amendment to have the Ministry of Education be part of any review going forward, if the Ombudsman does in fact find themselves in a position of reviewing a school board decision. I think that's a very fair point to make.

**The Chair (Mr. Grant Crack):** Thank you very much. Sorry.

**Ms. Catherine Fife:** There you go. Three minutes.

**The Chair (Mr. Grant Crack):** I really appreciate you coming before committee this afternoon. Thank you.

**Mr. Michael Barrett:** Thank you very much.

#### ONTARIO COALITION FOR ACCOUNTABILITY

**The Chair (Mr. Grant Crack):** I believe we have, by teleconference, Mr. Neil Haskett. He is a member of the

Ontario Coalition for Accountability. Mr. Haskett, are you there?

**Mr. Neil Haskett:** I am, sir.

**The Chair (Mr. Grant Crack):** Welcome, sir. Whereabouts are you?

**Mr. Neil Haskett:** We're in Sudbury, Ontario.

**The Chair (Mr. Grant Crack):** Sudbury. Thank you for being with us this afternoon. You have five minutes for your presentation. The members of the committee are here listening diligently, and we will have questions for you following.

**Mr. Neil Haskett:** Thank you. Good afternoon. My name is Neil Haskett. I am a co-founder of the Ontario Coalition for Accountability. Our mandate is to assist people in Ontario regarding issues with the entire MUSH sector. Our focus today will be Ontario's children's aid societies.

We also run the world's largest child welfare reform site on social media. It is the largest site of its kind and is specific to Ontario. We're also the group that created the email campaigns that resulted in tens of thousands of requests for meetings and demands of Ontarians' MPPs to support the Ombudsman bills in the past for the entire MUSH sector. We also organized all the rallies at the conventions, as well as hundreds more across the province.

You've already heard from slick, well-polished lobby groups, such as the OACAS, who have used millions in taxes to protect CAS from being held to account. In short, Ontario's child welfare system is a disaster, which is the reason why we've been fighting an uphill battle since 2006. It's frustrating knowing the only path to justice has been obstructed by only one political party, who, until recently, has prevented any other such accountability bills that would have allowed oversight over the entire MUSH sector, and children's aid, specifically, because, and I quote, "We already have layer upon layer upon layer of accountability, and we don't need more." Well, I'd like to ask: What's changed in the last year?

Nobody knows what's really happening in these institutions. We urge you to listen to the people who have voted for you and take action for innocent families and kids in and out of care, and these people who are calling today and on Monday, who may have been victims of these institutions. You're going to have to decide who you are representing and who you want to help. With a population of just over 13 million people, Ontario's child welfare system is the most problematic, the least accountable and—no surprise—privatized. As it stands, there is no way we can support Bill 8, but with the following amendments, we believe that we could support this bill.

We ask that you allow unrestricted access by the Ombudsman to investigate complaints for the entire MUSH sector, as well as for parents and kids in care with the children's aid societies. Give the child advocate unrestricted access to kids in care. By that, we mean physically check on the children on a regular basis to ensure that the child is adequately cared for and their

basic needs are being met, such as shelter, food, clothes, a place to sleep and a safe place to live. We don't need any more Jeffrey Baldwins.

**1400**

We ask that you also include whistle-blower protection so past and present employees of these institutions can come out without fear of reprisal or lawsuits.

We need significant improvements to freedom-of-information requests to include the individuals of these institutions, not just ministries.

We have to have statistics published annually, open to the public to read, regarding the children in care, such as harm, neglect, sexual or physical abuse while in care.

The CFSRB is inadequate as it stands. The child advocate and the Auditor General need even stronger powers to be able to do audits on a regular basis, not just random.

We need to allow the recording of workers, and whenever there's a problem that arises, the worker should also be allowed to record, and to stop punishing those who are trying to protect themselves. As it stands, various societies in Ontario are seeking court orders preventing parents from protecting themselves and recording what's happening. This isn't right. I'll tell you right now, when an innocent family loses access to their child because they're being maliciously targeted for funding, such as we saw with Peel, we need to take action. When these families are being attacked and they are recording these workers, what do they have to hide where they have to actually seek a court order to prevent these parents from using those recordings or proving that they're innocent?

The adoption process has to be deprivatized. There are well-known charities that know what's going on and they're uninterested in trying to resolve these issues with the children's aid societies and how they're obtaining the children.

Under the Child and Family Services Act, the children's aid society and the Family Court require no physical proof or evidence, and this needs to change. We need huge amendments made to the Child and Family Services Act. We know the five-year review is going on right now and we want all recommendations to be considered and, preferably, implemented.

We want to follow all other provinces and territories and deprivatize the children's aid societies. If the Ombudsman is allowed to come into the children's aid societies and the rest of the institutions, we ask that the government implement all recommendations quickly. Thank you.

**The Chair (Mr. Grant Crack):** Thank you very much, Mr. Haskett. We will start with the members of the opposition. Ms. Martow.

**Mrs. Gila Martow:** Hi. Thank you very much for taking the time out of, I am sure, what's a busy day. I just wanted some clarification that you would support, with the amendments, this bill.

**Mr. Neil Haskett:** Absolutely—but only with allowing the Ombudsman to help the families as well.

**Mrs. Gila Martow:** Okay, to help the families, as well as the families whose kids are put in foster care.

**Mr. Neil Haskett:** Well, not just foster care, but when there's a complaint that arises with a children's aid society, or any of these other institutions, the Ombudsman needs to be allowed access, if nothing else was being resolved. There needs to be a third party. We can't allow them to regulate themselves. There have been just too many problems in the past. Sometimes they resolve these issues on their own, but when they don't, we need somebody else to come in and make sure it does get—

**Mrs. Gila Martow:** Okay, this—

**Mr. Neil Haskett:**—that it at least identifies systemic problems and be able to resolve them as well.

**Mrs. Gila Martow:** Okay, so you feel the families need an advocate.

**Mr. Neil Haskett:** Absolutely, preferably the Ombudsman. We need it to be an independent entity. We can't allow any more self-regulation or allow the board to oversee themselves.

**Mrs. Gila Martow:** Okay, Thank you very much.

**Mr. Neil Haskett:** You're welcome.

**The Chair (Mr. Grant Crack):** Thank you. Ms. Fife.

**Ms. Catherine Fife:** Thank you very much, Mr. Haskett, for calling in. And thank you for the support for full oversight of the Ombudsman over the entire MUSH sector.

My question for you is: What do you think the significance is of the Ombudsman receiving oversight over only municipalities, universities and schools, and not the hospital sector, which is one of the largest budget items in the province of Ontario?

**Mr. Neil Haskett:** We already know: They already regulate themselves. My wife actually works in a hospital. We know, more often than not, that these institutions do well, but when they do a mistake, they don't seem to regulate themselves as they should. We know that with the Ombudsman being independent of the hospital, it's not going to be somebody on their payroll or somebody who's working with them. We just want to make sure that it's an independent investigation.

**Ms. Catherine Fife:** Okay, thank you. Also, I do appreciate you calling in and asking this government to also have full Ombudsman oversight in support of what the provincial advocate has put forward. As you know, we're supportive of the provincial advocate and all of his recommendations for making amendments to this bill.

Just a quick comment, if you could, around—we would like to see the barriers removed to investigations that certainly only fall now within investigating licensed residential placements. We know that a lot of First Nations, Métis and Inuit children are placed in care outside of the licensed care options. Do you think this is a valid concern that we have for First Nations, Métis and Inuit children?

**Mr. Neil Haskett:** If there isn't one group that's had the most problems with child welfare, whether it was residential schools, the Sixties Scoop, or now children's aid—of all the groups across Canada that have been targeted the most, I feel that they probably have the biggest problems, and we definitely need to prevent

what's happened to them from ever happening to anybody else again. I can't think of anything that would be better to come in and start making these sweeping changes than the Ombudsman and a government that's willing to help.

**Ms. Catherine Fife:** I agree. Thank you very much, Mr. Haskett.

**Mr. Neil Haskett:** You're welcome.

**The Chair (Mr. Grant Crack):** Thank you. We'll move to the government. Mr. Baker.

**Mr. Yvan Baker:** Thank you very much for dialing in. I really appreciate it.

I know you've talked about the important role that the Ontario Ombudsman plays and, of course, as you are aware, through this bill we've expanded the mandate of the Ontario Ombudsman. We've also expanded the mandate of the Provincial Advocate for Children and Youth. The proposed amendments here would give the advocate the investigative power for matters related to the services provided by children's aid societies and certain residential licensees where a children's aid society is the placing agency.

From our perspective, we believe that the Provincial Advocate for Children and Youth is well positioned to provide this additional oversight. When you think about the specialized focus and expertise and experience that that individual brings, that's something that can ensure that the necessary attention that these cases and these concerns deserve is given to those cases and concerns.

The Ministry of Children and Youth Services consulted heavily with the provincial advocate before the introduction of this bill—I believe for the better part of last year—and afterwards on any amendments or concerns his office might have had. I understand that the Ministry of Children and Youth Services has offered to brief you on their response to your amendments, if that would be of benefit as well.

My question to you, really, is around what your thoughts are on—what's happened in this bill is, we've expanded the mandate of the advocate in terms of investigative powers for matters related to the children's aid societies. Given your experience and knowledge, what do you think are the benefits of those additional investigative powers?

**Mr. Neil Haskett:** We do think that increasing the child advocate act to allow stronger investigations [*inaudible*] in care and out of care. The advocate does a great job, but their powers need to be expanded greatly to include—you know, I don't believe that they should be burdened with the investigation of complaints themselves, but if they do receive complaints, they do need to have the power to go in there and help the kids in care, but we cannot forget about the parents as well. The families or the workers who have problems with the society, who are seeing systemic problems that keep creeping back in—we need to make sure that everybody has enough power to investigate all the complaints.

I believe the advocate will do a good job, but as it stands, his powers aren't strong enough and we do need

the Ombudsman as well to come in for the families. We can't forget the families. We're going to be leaving somebody behind here with just the advocate, and I don't think that's right. I also believe that the advocate should be able to work closely with the families as well, but again, we need the Ombudsman to come in and investigate the societies themselves.

**Mr. Yvan Baker:** Okay. Thank you very much.

**The Chair (Mr. Grant Crack):** Thank you very much, Mr. Baker, and thank you, Mr. Haskett, for joining us from Sudbury. How's the weather up there?

**Mr. Neil Haskett:** We could use some better weather, if you've got any.

**The Chair (Mr. Grant Crack):** It's not so bad here in Toronto. Thank you again for joining us. We really appreciate it. Have a good afternoon.

**Mr. Neil Haskett:** Thank you, and please consider all these recommendations.

**The Chair (Mr. Grant Crack):** Thank you, sir.

**Mr. Neil Haskett:** Bye-bye.

1410

#### OFFICE OF THE PROVINCIAL ADVOCATE FOR CHILDREN AND YOUTH

**The Chair (Mr. Grant Crack):** We'll move to the Office of the Provincial Advocate for Children and Youth. I believe we have Mr. Elman, who is the Provincial Advocate for Children and Youth, and Ms. Cooke, who is director of advocacy services. Welcome to both of you. You have five minutes, sir.

**Mr. Irwin Elman:** Yes. Thank you for the opportunity to speak to you. I want to say that while I welcome the new proposed powers under Bill 8, we have a comprehensive written submission for you. It speaks in detail about how to improve Bill 8 as it stands with regard to my office and the children that I serve. It speaks in detail as to how Bill 8 can be changed to better serve those children and youth in this province. In a way it speaks to your head, and I want to speak to your heart this afternoon. We'll be present at the line-by-line consideration, so that we can be helpful to the committee, if you want, in terms of how to better serve children through this act.

Children and youth in my mandate are the most vulnerable in the province: children connected to care; children living with a special need or disability; young people connected to the youth justice system; children connected to mental health services; and children in our provincial schools for the deaf and blind, and in demonstration schools. They are some of the most resilient, yet vulnerable, children in the province. They can shine in the light of their own potential, given the opportunity.

It takes a great deal of courage for a child as vulnerable as those in my mandate to speak up—a great deal of courage. When they do, we as a province must meet their courage with ours. It's why my office was created. Those children who with their great strength come forward, often alone, often frightened, have a right to expect that my office has all the tools that it needs to assist them.

Under Bill 8, the provincial advocate will have the power to investigate serious occurrences involving a child under the care of a children's aid society or placed in a licensed home by a children's aid society. What's troubling is that the bill is silent about providing the same protection to other vulnerable children and youth under my mandate. We know that a serious incident can occur anywhere in the province, yet the advocate will be powerless to investigate incidents at youth detention centres, mental health facilities or demonstration schools for the severely disabled.

I've been asking for access-to-information and investigatory powers for almost six years. Bill 8 does not provide them. I'm asking you to change that. Six years ago, I sat in this very room and I spoke to the legislative committee about my desire to know when a child in my mandate dies. How can I, as the Provincial Advocate for Children and Youth, not be privy to that information? Bill 8 does not change that.

I was assured by the then Premier that if my concerns about access to information continued, he would amend my act. It did not happen. When the predecessor to Bill 8 was tabled, I was contacted by the ministry just after. I was asked to consult. I met with them. I told the deputy minister and the minister separately, in separate meetings, what I have submitted with you today. I then met with the ministry legal team, followed by the Premier, and then I met with her staff and the minister's staff. During every meeting—every meeting—I told them what is in my submission to you today. After each meeting, I was never given a reason why my ask for the children I serve could not be met—not a reason. I was told that the bill was already drafted and changes can happen at this committee. I'm looking forward to that.

I want to know, when I was asking for answers, why my office is the only office of the Legislature without investigatory powers. I want to know why I'm the only child advocate in the country without access to information, or with limited jurisdictional powers to investigate all areas of my mandate. I ask you to do the right thing.

I listen to children in need every day. While I report to the Legislature, I feel almost a sacred obligation to them. I want to give you a few examples about what they face and why we need to make the changes to Bill 8 that I am suggesting.

A 10-year-old boy calls our office. He lives in a group home. He thought he was restrained too many times. Any time a child is restrained in a residence, that restraint has to be reported as a serious occurrence to the Ministry of Children and Youth Services. We requested the serious occurrences from the ministry; we could because he was in care. We learned that he was restrained 100 times in just one year. We learned that there was no reason listed for many of the serious restraint occurrences when we looked at what was the cause of these restraints.

This little boy had the wherewithal to come forward and tell us that there was a problem. Right now we are trying to analyze all the serious occurrence reports from all group homes. We can only get redacted reports right

now. Bill 8 will help with kids in children's aid care around that.

But what about the little boy or girl in a group home not with children's aid, a child with special needs who can't speak for themselves? Will Bill 8 allow me to get reports about restraints that they might have endured? No, it will not. I would be powerless to investigate or even obtain information to look into that concern. I ask you to do the right thing—

**The Chair (Mr. Grant Crack):** Okay. Thank you very much, sir. I apologize, but that's—

**Mr. Irwin Elman:** That's okay. I can add to that.

**The Chair (Mr. Grant Crack):** We'll start with Ms. Fife from the NDP.

**Ms. Catherine Fife:** Thank you very much for coming today. You know that we fully support all of the amendments that you put forward. You know that that change can happen here next week when we go through by clause-by-clause and those amendments are put forward. I'm very encouraged that you're going to be here, but I'm more interested in hearing the rest of your story.

**Mr. Irwin Elman:** Thank you. I wanted to tell you about a young man in custody who calls our office and he alleges he was beaten up by guards in a place of custody. He says he was kneed and kicked in the face while cuffed on the ground. We asked the Ministry of Children and Youth Services to investigate. They say they have. We asked for a copy of the investigation report. We are told we do not have the right to get it. We asked because we know many such investigations by the ministry rely only on written reports by the staff who caused the occurrence, or allegedly caused the occurrence. We want the investigation report to ensure ourselves, and the youth who calls us, that the investigation was done thoroughly and fairly. Will Bill 8, as it stands now, allow us to receive the report? It will not. I ask you to do the right thing.

Last December, I read a story in the *Globe and Mail* about a man given a 20-year sentence for assaulting a little boy at a children's mental health facility. I get a lot of my information from newspapers. I must learn about things like that from newspapers.

I asked the ministry involved about what happened in this case. Like many, I asked, "How could this take place?" I was told I could not receive the information. Will Bill 8, as it stands now, provide me with the information? No, it will not. I ask you to do the right thing.

In the past, several students who live and go to school, a provincial school for the deaf, complained that they were assaulted by staff there. The schools are operated by the Ministry of Education. We called the ministry and were told that our legislation only permits us to do "informal advocacy" with students at the school and we had no right to access that information. Will Bill 8, as it stands, change anything for these students? No, it will not.

I understand some bureaucrats in a variety of ministries might not like the idea of a child advocate knowing their business. I understand that often government, even

when it wants to do what is right, feels constrained, and they do as little as necessary. But today I ask you to have the courage, like the children who call my office. I want you to serve and partner with them to do what is the right thing to do.

Thank you, Ms. Fife.

**The Chair (Mr. Grant Crack):** Thank you. You have 30 seconds left.

**Ms. Catherine Fife:** Once again, I think that the weaknesses that are currently in Bill 8—you identified them the first time around, when they were Bill 179.

**Mr. Irwin Elman:** That's correct.

**Ms. Catherine Fife:** So can you comment on that? Because the recommendations you made prior, they still apply today.

**Mr. Irwin Elman:** Yes, they do. You know, what's difficult to understand, and I hope the committee has that discussion, is why the changes we are suggesting have not been accepted. Actually, I don't think I've been given an answer to that. I do know that there is resistance by some of the ministries that might be affected, that, as I say, might have us know their business, but I don't think that's what we're here today for. That's why I'm asking, I'm appealing to you, about the right thing, because we're here about children and young people and safeguarding them and giving them a voice—all the things that the Legislature did originally when creating my office. That's what this discussion is about, and it's you who can make that change for children in the province. It's not going to be the bureaucrats.

**The Chair (Mr. Grant Crack):** Thank you. So we shall move to the government. Mr. Baker.

**Mr. Yvan Baker:** Thank you so much for coming in, and thank you for the work that you do in protecting children.

Again, this bill does expand your office's mandate and, of course, would give you the investigative powers for matters related to services provided by children's aid societies. We believe that your office is well positioned to provide this additional oversight, given your expertise, given your experience, given your focus on children and youth issues.

**1420**

My understanding is that the Ministry of Children and Youth Services has consulted heavily with you over the course of approximately the past year, before the introduction of the bill and afterwards on any amendments or concerns that your office might have, and I understand that the Ministry of Children and Youth Services is happy to brief you on their response to your proposed amendments.

Obviously, if Bill 8 were passed, it would expand the mandate of your office and it would offer you those investigative powers I spoke about in terms of oversight over children's aid societies. Could you speak a little bit to how the addition of these investigative powers would allow you to best serve and protect children and youth in Ontario?

**Mr. Irwin Elman:** There are a few ways, but let me just speak again to the issue of consultation. The first time I was approached about this bill or the act was after it was introduced, not before—not when it was being created in the first instance. I want to tell you again that anything I said to you, anything that's in my written submission, was my response to the consultation. I'm saying it here again. I'm saying the same things again. So if that's consultation, yes, I guess we've met many, many times.

I've done some consultation too. I asked to speak to the Premier, I asked to speak to the minister herself, and I made the same representation to them as I'm making to you. I asked them to do the right thing.

In terms of what the current bill will allow us to do, I'm saying I welcome the opportunity and I'm thankful for the confidence that the government has in our ability to undertake this really crucial piece of work. The first thing that I think about is our ability to look at the death of children connected to kids in care. As you know, it's an issue that I raised six years ago. While I do not want to be the child death review process for the province, I do want the ability to be notified about a child in care or connected to care who dies, and I do want the ability to do an investigation, the way other child advocates in other provinces can, that will get at some of the systemic issues that might have been party to that death. I think that's really important.

**The Chair (Mr. Grant Crack):** Okay.

**Mr. Irwin Elman:** I also want to access information—I'm sorry.

**The Chair (Mr. Grant Crack):** Thank you very much. I appreciate that.

**Mr. Irwin Elman:** Thank you.

**The Chair (Mr. Grant Crack):** I'm sure you have more to say.

**Mr. Irwin Elman:** Always.

**The Chair (Mr. Grant Crack):** Thank you, Mr. Baker.

To the opposition. Ms. Martow.

**Mrs. Gila Martow:** Thank you very much for coming in. I really appreciate—I'm learning a lot from everybody who is presenting today.

I'm just wondering if you feel that there needs to be, with the police department—there is so much more reporting that is being done now than there was decades ago. Every time a firearm is withdrawn from its holster, a report has to be made. Every time it's fired, a report has to be made. I'm very concerned when I hear about a 10-year-old who's being restrained 100 times in a year. Do you feel—I know I'm getting a little bit off-topic—that less restraints would be used if there had to be more reporting and that that reporting should have to go directly to you, not just that you have to hear about a death of a child but that you would be directly reported to? Is that what you're asking for?

**Mr. Irwin Elman:** Of course. I think that's one of the elements, that whenever you create these openings for the practice of how we protect and care for our children who

are the province's responsibility, children who live under your roof—your roof—you should have the right to know how those children are doing and how we care for them; and so should the public. That's what this transparency that we're asking for would provide. You were saying, and I was too, that a child can be restrained 100 times. That's shocking. Well, who would know what else is happening to children in this province, in those homes, right now? Who would know?

**Mrs. Gila Martow:** Exactly. And why is that child in a group home? Maybe the parents were having trouble controlling the child but possibly were doing a better job than we are doing. That's the real question—

**Mr. Irwin Elman:** Yes.

**Mrs. Gila Martow:** —where is the child better served?

**Mr. Irwin Elman:** Yes.

**Mrs. Gila Martow:** Thank you so much.

**Mr. Irwin Elman:** Thank you.

**The Chair (Mr. Grant Crack):** Thank you very much for coming before committee. We really appreciate it.

#### MR. ANDREW SANCTON

**The Chair (Mr. Grant Crack):** Next we have, via teleconference—there's been a change to the agenda. Mr. Andrew Sancton, I believe, is with us. Mr. Sancton?

**Mr. Andrew Sancton:** Yes, I'm here.

**The Chair (Mr. Grant Crack):** Great, sir. Thank you. Now, did I pronounce that correctly?

**Mr. Andrew Sancton:** Yes, you did.

**The Chair (Mr. Grant Crack):** Great. Where are you from?

**Mr. Andrew Sancton:** I'm a professor of political science at the University of Western Ontario. I specialize in municipal government. Do you want me to go ahead?

**The Chair (Mr. Grant Crack):** Certainly, sir. You have five minutes. Thanks for being here.

**Mr. Andrew Sancton:** First of all, I want to say that I apologize for my speech being somewhat slurred. It's not because I had a three-martini lunch; it's because I just came back from the dentist. I didn't really prepare for this because I didn't expect to be talking today, but I'm very pleased to have this opportunity.

I've taught about municipal government and written about municipal government for about 30 years here at Western. I also was the closed-municipal-meeting investigator for the city of Brampton until I resigned last year. During that time, I had no cases to investigate. The Ombudsman will no doubt tell you that that was because there was a \$500 fee to make a complaint, a fee that I did not have anything to do with. But I wanted to say that myself before he says it about my testimony.

I resigned because I wanted to have the opportunity to speak publicly against the Ombudsman's definition of open meetings. I think if a tenured university professor can't feel free to do that, nobody can feel free to do it. One of the problems we have is that politicians, particu-

larly municipal politicians, are, in fact, intimidated by the Ombudsman on this closed-meeting issue because he has a great deal of power over them, which was proven in large measure in the municipal elections in Sudbury and London just recently when so many incumbents were defeated, in part, I would argue, because of decisions that the Ombudsman made.

The Ombudsman has spoken out against me on Twitter; he's done that against lots of other people. As I said, few politicians dare to respond. He's actually tweeting today, of course, about the proceedings, making it clear what he thinks you people should be doing, and I think that's inappropriate for an officer of our Legislature. I wouldn't be surprised if he had something to say about what I'm going to be saying now in exercising my rights as a citizen.

My main message is that I think that in the current circumstances, it would be irresponsible of the Legislature to give the current Ombudsman appellate responsibilities over all closed-municipal-meeting investigations. The problem is that the Ombudsman has made up his own definition of a meeting and he has caused chaos among municipal councillors and the people who advise them about the rules for open meetings.

The Ontario Legislature has never even considered making it illegal for small groups of municipal councillors to discuss municipal business, but the Ombudsman, all by himself, without any public consultation, has decided that this activity contravenes the Municipal Act. In doing that, he has used American state laws as his models. I think you people should be particularly aware that these state laws in the US apply to state legislators as well.

When the Ombudsman speaks to you later today, you might want to ask him if he thinks that open-meeting laws should apply to cabinet meetings in Ontario and to the meetings of party caucuses. If he is reluctant to give an opinion on this, it will be completely out of character, because all you have to do is follow his Twitter account to know that he has an opinion on just about anything and expresses it all the time.

I'd plead with you to remove the parts of Bill 8 that give the Ombudsman increased jurisdiction over open municipal meetings. I urge you to remove that until you and the citizens of Ontario have had an opportunity, through an open process of public consultation, to decide what the definition of a municipal council meeting is.

In my mind, this is a very serious problem. I know for a fact that newly elected progressive councillors, councillors who want to bring about very positive change in our Ontario municipalities, are afraid to talk to each other about how they're going to do their business. This is not just a technical problem about procedure; this is undermining good municipal government.

**1430**

Imagine how difficult it would be to do your job if you were afraid to talk to your elected colleagues about provincial business because you thought it might be violating some law and the Ombudsman could come in and declare that you'd held an illegal secret meeting.

**The Chair (Mr. Grant Crack):** Well, thank you—

**Mr. Andrew Sancton:** I know this is just a small part of Bill 8, but it's an important part, and I think you should use your authority to recommend that that part of the bill be removed.

**The Chair (Mr. Grant Crack):** Thank you very much, Mr. Sancton. We will start with the government. Mr. Colle.

**Mr. Mike Colle:** Hi, Andrew. It's Mike Colle.

**Mr. Andrew Sancton:** Hi, Mike—or Mr. Colle, I should say.

**Mr. Mike Colle:** I haven't seen you in a while, since we were in the North York council chamber, trying to fight the megacity imposition by the Harris government.

**Mr. Andrew Sancton:** Yes.

**Mr. Mike Colle:** Thank you for all the passionate work you've done for municipal government and for democratic government at the local level. You certainly have an outstanding career of doing that. I just wanted to again let people know that you have been an incredible advocate of good, open municipal government.

By the way, how is the megacity working?

**Mr. Andrew Sancton:** I'm not going to go there.

**Mr. Mike Colle:** We won't talk about that.

The other thing I wanted to ask you about is this definition. You're asking for this definition of open council of municipal meetings to be very clear, because at this point you're saying that it's very ambiguous?

**Mr. Andrew Sancton:** Well, I don't think it is ambiguous, but it seems to have given the Ombudsman an opportunity to make up his own definition of a meeting by extending the definition to include these totally informal meetings. We're not talking about complete meetings of the council that meet in private and then come out and do the business, rubber-stamp things in public. We're talking about various occasions on which councillors talk to each other about what they're going to do, and the Ombudsman either has said that they can't do that or has invoked so much fear that they don't want to do it.

Incidentally, just one more thing: In Toronto, in the megacity council with 45 people, it appears that there is a totally different standard. Nobody has even suggested that councillors talking to each other is okay; it appears on the front page of Toronto newspapers that they're doing that, and nobody bats an eyelid.

**Mr. Mike Colle:** So where do we find this definition that might be appropriate so we don't have basically the handcuffing of municipal officials from doing their work?

**Mr. Andrew Sancton:** I think it's the British Columbia Ombudsman who has laid down the best set of rules about this. Again, she has taken an initiative here because there had to be some clarification from the legislation, and I think she has been much more reasonable than the Ontario Ombudsman has. I think the Legislature will have to just amend the law to state the circumstances under which groups of municipal councillors can meet together and talk about municipal business and

circumstances in which they can't. It will never be absolutely clear, but it does need to be made more clear than it is now.

**The Chair (Mr. Grant Crack):** Okay. Thank you very much.

**Mr. Mike Colle:** Thank you, Andrew.

**The Chair (Mr. Grant Crack):** We'll move to the opposition. Ms. Martow.

**Mrs. Gila Martow:** Hi. I hope you're feeling better, and you sound absolutely fine.

I just wanted to ask you how you feel about smaller councils, because in terms of Toronto, when you have 45 councillors and four or five meet for breakfast to have a little meeting, that sounds reasonable and normal. But my guess is that there are some smaller municipalities where there might be only six or seven councillors and one person is shut out from these little meetings. It seems a little bit unfair, but I guess that's life, and maybe they split themselves up into almost a party level at the municipal level of government. How do we deal with that kind of openness on municipal councils, and should we give up—maybe we have to make it partisan on municipal councils. How would you feel about that?

**Mr. Andrew Sancton:** You've raised a number of issues here. First of all, one of the interesting things about the Ombudsman's interpretation of the law is that it probably makes it impossible to have parties at the local level, because what's the point of having a party if the members of the grouping can't talk to each other about their strategy? Imagine what it would be like being in your caucus if you couldn't talk at all or if you had to have all the meetings in public.

Just a word about the Toronto situation: It's not four or five councillors having breakfast together; it's groups of 10 or 12 meeting together in an organized way to talk about business. That was reported on the front page of the *Globe* in 2012. When there were the difficulties with Mayor Ford, it was also reported publicly that the councillors worked out what they were going to do off the floor of the council. That was reported publicly.

If that kind of thing happened in London, for example, and if the Ombudsman was brought in to investigate, it would have been ruled to be in violation of the rules. I wish I could give you a clear answer. If you give me a little time, I could come up with a possible definition. But we have to have a better situation than we have right now with the Ombudsman. What Bill 8 does is make a bad situation worse by giving him more jurisdiction over the places that have a closed-meeting investigator of their own.

**Mrs. Gila Martow:** I understand. Thank you.

**The Chair (Mr. Grant Crack):** Thank you very much. We shall move to the NDP. Ms. Fife.

**Ms. Catherine Fife:** I just want to thank you for calling in. I think you made a very succinct presentation and I have no questions for you. Thank you very much.

**Mr. Mike Colle:** Point of order.

**The Chair (Mr. Grant Crack):** Point of order.

**Mr. Mike Colle:** Could we have made available to us the British Columbia Ombudsman's definition of what

constitutes an open meeting as far as municipalities go? And if research could get back to us and let us know whether this would also apply to the definition of open and closed meetings as it relates to school boards and MPPs and the work of the Legislature?

**Ms. Heather Webb:** In British Columbia?

**Mr. Mike Colle:** Yes. The question raised by Professor Sancton is whether this definition of meeting would also apply to us as MPPs in our meetings, and to trustees and to municipal officials.

**Ms. Heather Webb:** Okay.

**The Chair (Mr. Grant Crack):** Would it be the consensus of the committee, further to Mr. Colle's point of order, to obtain that information?

**Ms. Ann Hoggarth:** Point of order.

**The Chair (Mr. Grant Crack):** Okay, thank you. Another point of order, Ms. Hoggarth.

**Ms. Ann Hoggarth:** Just in regard, perhaps we might want to have research give other—

**Mrs. Gila Martow:** Jurisdictions.

**Ms. Ann Hoggarth:** —jurisdictions—thank you—that have rules such as that definition.

**The Chair (Mr. Grant Crack):** Would the committee consider that point of order as a request for additional information as well? Ms. Fife?

**Ms. Catherine Fife:** Just a point of clarification: I think that because the delegate referenced BC and made a compelling case for it—is Ms. Hoggarth looking for every other jurisdiction? Because I think that that would be onerous.

**Ms. Ann Hoggarth:** No, just the other provinces. I don't care about the US.

**The Chair (Mr. Grant Crack):** Okay, well—

**Ms. Catherine Fife:** That's a lot. I'm really just interested in BC's because it was referenced in the context. I don't really need to see every other province. And I'm cognizant of the time of the researchers.

**Mr. Mike Colle:** Point of order: If we can make it available, whoever wants to look at it can look at it, if it's available.

**Mr. Andrew Sancton:** I can send the link for the BC Ombudsman, if that's what you want.

**Ms. Catherine Fife:** Oh, thank you.

**The Chair (Mr. Grant Crack):** Thank you very much, Mr. Sancton, for coming and speaking to us from Western—in London, I take it.

**Mr. Andrew Sancton:** Yes.

**The Chair (Mr. Grant Crack):** I appreciate it. Thank you. We'll continue our debate here.

I believe legislative research will obtain the information. However, we have to remain on schedule here. I thank you very much for your points of order, but they're not points of order.

**Mr. Andrew Sancton:** Thank you for your time.

**Mrs. Gila Martow:** Can I make a quick point of order, which may or may not be a point of order?

**The Chair (Mr. Grant Crack):** Point of order, Ms. Martow.

**Mrs. Gila Martow:** There was a gentleman—he's sitting by the door—who took a picture before. It was raised by the Speaker in the House about taking pictures during committee meetings, and I was just wondering why he was taking a picture.

**The Chair (Mr. Grant Crack):** I'm not sure. He could have been a reporter.

**Ms. Catherine Fife:** No, actually, he was from my office and it was just for me. It won't be shared.

**The Chair (Mr. Grant Crack):** It's an action photo, Ms. Martow.

**Mr. Mike Colle:** Well, this has happened before. The Speaker has been very specific about this. I'm not saying that this was out of line but I'm just saying, let's make sure this doesn't go on, because we saw what happened on two occasions already in committee where basically they were intimidating members of the committee with these photos. We don't want that to happen again.

**The Chair (Mr. Grant Crack):** Okay. Thank you very much. I appreciate that. That's something, I guess, we can discuss after. We are continuing our business here—let me see what the time is; 2:40. Is Ms. Jennifer DaRosa here with us this afternoon?

The time is 5 o'clock—sorry, 4:45—3:45—2:45. You know, I'll get this right.

Let me rephrase that. We have five minutes. We're going to take a little recess out of respect, because her time is at 2:45. If she doesn't show, then we will recess.

**Interjection:** Is the press allowed to come in and get some pictures?

**The Chair (Mr. Grant Crack):** I believe they are, yes.

*The committee recessed from 1440 to 1445.*

**The Chair (Mr. Grant Crack):** We'll call the meeting back to order following the short recess. Is Miss Jennifer DaRosa here with us this afternoon? I believe she's not with us.

Perhaps what we could do is just have a general discussion, since we have a few minutes. There has been a request this afternoon for the Ombudsman, when he makes his presentation, to have his staff come in and film and/or take pictures. Is that something that—

**Mr. Mike Colle:** No; no pictures in the committee. I'm against it.

**The Chair (Mr. Grant Crack):** I just want to know if you want to sit on it and come back after. Ms. Fife.

**Ms. Catherine Fife:** It's a good suggestion to take a little time. We're public figures. We're politicians. So we're in the public domain, and if the Ombudsman would like to come here and film and use this as an education tool, I have no trouble whatsoever with that. I don't—

**Ms. Ann Hoggarth:** There's a rule.

**Mr. Mike Colle:** We just heard from the Speaker—

**Ms. Catherine Fife:** No, the Speaker—that's in the House. Committees are different from the Legislature.

**Mr. Mike Colle:** —who was very clear about this tactic of using photographs and pictures in council rooms. Let's talk to the Speaker about it.

**The Chair (Mr. Grant Crack):** Yes, I think what we should do is get some advice from the Speaker, given the fact that he is an officer—

**Mr. Mike Colle:** If the Speaker agrees—

**The Chair (Mr. Grant Crack):** Excuse me—as he is an officer of the Legislature, and maybe perhaps there are different rules that would apply in that regard.

**Ms. Catherine Fife:** Just as a secondary comment, Chair: Earlier today, though, there have been pictures taken of delegations. This has been a long-standing practice. When organizations come here, it's an act of political advocacy that they are exercising as their democratic right to do so. They come here, they make a presentation and they take pictures of themselves coming here to the Legislature. It is published in their annual reports and what have you.

So if we're going to make a policy up here, there has to be a consistent policy. Today already, we have had people take pictures, and I think that ruling against the Ombudsman coming here and not allowing him to film or document his presentation is completely uncalled for.

**The Chair (Mr. Grant Crack):** Okay. We could have all kinds of debate on this here, I'm sure, but there was a ruling by the Speaker previously. Let's re-consult with him, and then when we reconvene, we can have an answer.

**Mr. Mike Colle:** Sounds good.

**The Chair (Mr. Grant Crack):** Is that fair enough? Okay. Thank you very much.

This meeting will stand recessed until 4 p.m., at which time I will not be in the Chair. I believe Mr. Colle might be in the Chair—I apologize. Yes?

**Ms. Catherine Fife:** May I just say I think you did a wonderful job chairing. The regular Chair has a penchant for overuse of the gavel, and you're much more gentle. I just want to say that I really appreciate it.

**The Chair (Mr. Grant Crack):** Thank you very much. That makes me feel good.

**Mr. Mike Colle:** Mr. Chair, we still don't have a clock in here.

**The Chair (Mr. Grant Crack):** This meeting is recessed.

*The committee recessed from 1448 to 1450.*

MS. JENNIFER DAROSA

**The Chair (Mr. Grant Crack):** We'll call the meeting back to order. I'd like welcome Ms. DaRosa to the chair here. Feel free. It's currently 10 minutes to, so we have 10 minutes. You have five minutes to make your presentation, followed by about a minute or so from each party. So welcome.

**Ms. Jennifer DaRosa:** Thank you. What's your name?

**The Chair (Mr. Grant Crack):** My name's MPP Grant Crack.

**Ms. Jennifer DaRosa:** Oh, okay. I don't know, because I have copies here.

**The Chair (Mr. Grant Crack):** Okay. The Clerk will distribute those on your behalf.

**Ms. Jennifer DaRosa:** Okay. I need one for me. I don't have 25, though.

**Mrs. Gila Martow:** We don't need 25.

**The Chair (Mr. Grant Crack):** Welcome. You have five minutes.

**Ms. Jennifer DaRosa:** Oh, okay. It won't take that long.

**The Chair (Mr. Grant Crack):** Sorry to rush you.

**Ms. Jennifer DaRosa:** Hello. My name is Jennifer DaRosa. I believe we need more oversight and transparency with children's aid and the MUSH factor, like including universities, schools and nursing homes.

I think Bill 8 should be passed for the following reasons. Certain individuals are abusing their powers. There needs to be consequences for people who lie and cheat the government. They are not only cheating us but themselves as well.

There absolutely needs to be someone who oversees the children's aid societies. Ontario is the only province in Canada with absolutely zero oversight with schools, universities, nursing homes and children's aid societies, and I guess the list continues.

I have an eight-year-old son and an 11-month-old daughter. I'm doing this for them and all of the children in Ontario. There needs to be more investigating on where children are being placed in care.

Foster parents need to be screened more carefully, and child protection workers need to be more trained, because a lot of them are not even social workers, and they're not—they don't even—okay. Child protection workers need to be more trained and qualified.

Children are our future. We can't let them down.

I see my daughter twice a week for two hours a week. It's not enough for me. She misses me terribly. She cries when the visit is over with me, and I know why. I don't want this happening to other kids. This bill needs to be passed.

A lot of pain has been brought upon me because there is no oversight here in Ontario. Jeffrey Baldwin was starved to death. This shouldn't be happening. We need better homes for kids, better screening for foster parents and anyone associated with children's aid societies.

Should children be in care or foster care when the ones who are supposed to be looking after them are on drugs—more drug testing for everyone involved with children.

I lost custody of my son. He wasn't even two years old. My mother couldn't take care of him anymore with her common-law boyfriend. My mom's boyfriend changed my son's diapers. He's told me this personally.

My mom couldn't take care of him, so his father retained full custody of him. Now I'm in court for my 11-month old-daughter. I'm separated from my husband—I'm living with my father—and our daughter. It breaks my heart. This shouldn't be happening to me, but it is. I need to be with my daughter full-time, but instead she's with her babysitter more than me.

I find this very unfair to me. I have done nothing wrong, but I have so much faith that everything will work

out for the best. I have been through a lot. I didn't even bring my daughter home with me from the hospital. She went into foster care. I was in a psych ward for three weeks. My husband was all alone. He finally has temporary custody of her.

This abuse needs to stop now. There also needs to be drug testing for the parents, employees, drivers, foster parents and babysitters—anyone who comes in contact and takes care of children.

I have been through so much my whole life; I don't even know where to start. But I don't like to see children suffer. My own parents separated when I was 12 years old. I never really understood until now. I've been with my dad mostly.

I just want Bill 8 to be passed, so the MPPs and the Ombudsman have the power to oversee the corruption in the children's aid society. People shouldn't be abusing power. There needs to be severe consequences for those individuals who just care about money and aren't there for the families.

My recommendations are that Bill 8 be passed so that there is more oversight and transparency in the MUSH sector, that complaints made by families are taken seriously and that the Ombudsman and MPPs of each town are allowed to investigate.

Thank you

**The Chair (Mr. Grant Crack):** Thank you very much, Jennifer. I think we'll probably have about a minute from each party. We'll start with Ms. Fife.

**Ms. Catherine Fife:** Thank you very much, Jennifer, for coming in and sharing your story with us. I know it takes a lot of courage to do so.

**Ms. Jennifer DaRosa:** Yes.

**Ms. Catherine Fife:** I just want to clarify, though: So you would like to see Bill 8—

**Ms. Jennifer DaRosa:** Passed.

**Ms. Catherine Fife:** —strengthened so that it does have provincial Ombudsman oversight over children's aid?

**Ms. Jennifer DaRosa:** Yes, because Ontario is the only province—

**Ms. Catherine Fife:** You're quite right in saying that. Thank you very much.

**Ms. Jennifer DaRosa:** Thank you.

**The Chair (Mr. Grant Crack):** Thank you. Ms. Hoggarth?

**Ms. Ann Hoggarth:** Thank you very much. I appreciate you coming forward. Part of the reason we are doing this is for exactly the reasons that you've cited. The Office of the Provincial Advocate for Children and Youth is well positioned to provide additional oversight for the proposed Bill 8. PACY has the expertise and the experience necessary to put the interests of children and youth first, and that's where we believe that it should be. We need to take care of our youngest, most vulnerable people.

Can you comment on how taking this approach will help the young children who are in the care of the children's aid?

**Ms. Jennifer DaRosa:** Well, it'll help because—the Ombudsman and the MPPs can investigate complaints. At this point, they're unable to investigate. They get complaints, they get complaints, and they can't do anything about it.

**Ms. Ann Hoggarth:** Thank you.

**The Chair (Mr. Grant Crack):** Thank you very much. Ms. Martow.

**Mrs. Gila Martow:** Thank you, Jennifer. I think that you're absolutely right when you say that the elected officials get a lot of complaints and oftentimes it's hard for them to know where to turn. I think that you need the support and I hope you're part of a support group of parents.

**Ms. Jennifer DaRosa:** I am.

**Mrs. Gila Martow:** I think that coming here and speaking to us is a very good indication that you've got a lot of inner strength. Thank you very much for coming and speaking to us today.

**Ms. Jennifer DaRosa:** Thank you.

**The Chair (Mr. Grant Crack):** Thank you very much, Jennifer, for sharing your insights and your opinions with us. That's the way it works in committee. Again, thank you for coming. We appreciate it.

**Ms. Jennifer DaRosa:** All right, thank you.

**The Chair (Mr. Grant Crack):** This meeting is recessed until 4 p.m.

*The committee recessed from 1459 to 1601.*

**The Acting Chair (Mr. Mike Colle):** I'll bring the committee on general government to order. Would the members take their seats.

#### MS. APARNA SANWALKA

**The Acting Chair (Mr. Mike Colle):** The first presenter—there has been a change, and we have, via teleconference—

*Interruption.*

**The Acting Chair (Mr. Mike Colle):** Gilles, be quiet, please.

**Mr. Gilles Bisson:** How did you know it was me?

**The Acting Chair (Mr. Mike Colle):** Anyway, we have, via teleconference, our first deputant, Aparna Sanwalka. Aparna, can you hear us?

**Ms. Aparna Sanwalka:** Yes.

**The Acting Chair (Mr. Mike Colle):** Okay. You have five minutes to make your presentation. Then we have three minutes of questioning from each party after that. Could you please begin your presentation?

**Ms. Aparna Sanwalka:** Sure. I would like to speak specifically on the need for the oversight on children's aid, because in my personal experiences as an abused woman—I got away from my abuser 11 years ago. Recently he has re-emerged and made a false allegation based on the same allegations that were tried 11 years ago in Family Court, when I went through the nightmare of leaving an abusive relationship. But at least I had support of police; I had support of victims' services and other organizations.

Eleven years later, when the restraining orders and all have expired, he took my young disabled daughter; manipulated her mind; contacted her without having the right or the legal ability or anything to do it; violating court orders, to do things behind my back; and made an anonymous phone call to children's aid society. Children's aid society came and apprehended my daughter, and has put me and my children through hell for the past six months.

I have no rights because my ex-husband, who abused me for years, who the system helped me get away from—we were finally safe. He doesn't have any custodial rights, no legal rights, no nothing. But because he can be articulate, he can make one phone call and bring up all those allegations from 11 years ago, and now all I am is that abused woman who left an abusive relationship 11 years ago.

I'm sitting here, and now I can no longer be a valuable member. My two children, who are disabled, have zero rights. The provincial advocate has been begging—for my daughter, I had to call an ambulance at an access visit for her to get medical treatment. My autistic son attempted suicide twice in care, and children's aid is hiding it.

There is nobody listening—nobody listening, nobody having the authority. The Provincial Advocate for Children and Youth has been asking to see my children for two months. Children's aid and OCL are blocking it, despite the fact that my daughter wrote a letter begging for help. CAS and OCL have both turned around and said, "Oh, no, she changed her mind."

There's a videotape of my daughter and my son in tears while I am being yelled at by four children's aid workers: two workers and two supervisors, yelling in the same access room during my access. My children are in tears, and I'm terrified to say a word.

I have legal custody of my children. I went through the court system. I went through the criminal system and the civil system. It may not be a fair system, but it is our system and it is the legal system we have. But in the end, the judge relied on the facts.

Once those facts are relied on and decisions are made, an abused woman should not have her life ripped apart again 10 years later. Innocent children shouldn't be pulled out of their homes for no reason—and nobody has any oversight, nobody has any authority to do anything.

The law, the CFSA, was created to protect the most vulnerable of our society: our children. When it is failing our children and the CAS is more concerned about hiding things from the ministry—hiding their misconduct, hiding whatever—and they're more concerned about, I don't know, whatever else, the funding or whatever it is, that's not okay because those children are now damaged for life. Those children are going to be affected. We are going to have to pay. They're going to go back into our system. Our health system will have to cover the costs of all of the counselling.

My family will never function again. The fact that I've saved, as a responsible single mother—I went through

everything—for their education, and I set them on a track where they're going to be successful contributors to society, and now that's all been taken away based on one anonymous phone call from a vindictive, abusive ex-husband—that's not okay.

**The Acting Chair (Mr. Mike Colle):** You have about five seconds left.

**Ms. Aparna Sanwalka:** I really think that it's very important—very important—that we protect the most vulnerable, and somebody should have oversight. We're taking away the charter rights from parents—because we believe that children are important, and I believe that children are important, but we need some oversight so that things like this can't happen. It's happening in our country, not halfway across the world.

**The Acting Chair (Mr. Mike Colle):** Thank you very much for your presentation. Now we have questioning for three minutes by each party. We start with the Conservative Party: Mrs. Martow.

**Mrs. Gila Martow:** Thank you very much for your presentation. I think that people here are very sympathetic to your plight. I know that we all want as much oversight as possible and we want balance; I think that's what it comes down to—balance.

My question would be: Did you appeal to higher levels in terms of supervisors, or did you perhaps appeal to the ministry itself for support?

**Ms. Aparna Sanwalka:** I have gone all the way up to the ministry. I've gone up to the CFSRB. In fact, there was an existing court order at the CFSRB with the children's aid society that I'm dealing with, particularly, where it is in default of the application of the court-ordered finding—sorry, I'm lacking the word right now. But what happened was, it is exactly the same team, so now they have a vested interest. This is where there's no accountability.

If I was in civil court, that same lawyer, that same whatever, couldn't present both sides. Now you've got the same team leader, the same supervisor and the same lawyer who are in violation of the order against the CFSRB. They're the ones who are controlling everything my children say and do.

**Mrs. Gila Martow:** I really appreciate your time. Thank you very much.

**Ms. Aparna Sanwalka:** Thank you.

**The Acting Chair (Mr. Mike Colle):** Next we have, from the NDP: Ms. Fife.

**Ms. Catherine Fife:** Thank you very much for your presentation. I think: (1) it takes a lot of courage to share your story; and (2) it underlines the limited powers that the provincial advocate currently has, in addition to the limited powers going forward under this bill.

I just wanted to let you know that New Democrats support all of the amendments that the provincial advocate is fighting for—he's been fighting for them for six years—to ensure that he has access to the information to address the systemic issues in the system. One of those issues, of course, as you rightly pointed out—he's been asking to meet with your daughter. You have to have the

information, you have to know what's going on in order to address the issue at hand.

I really just wanted to thank you and to let you know that we're supportive of the provincial advocate, the amendments, and we'll be trying to get those forward through this committee next Wednesday.

**Ms. Aparna Sanwalka:** Thank you.

**The Acting Chair (Mr. Mike Colle):** Now, from the government party: Ms. Hoggarth.

1610

**Ms. Ann Hoggarth:** Thank you very much for your story—it's not a story—for telling us about your situation.

As an educator, I have seen both sides of the children's aid society. As you know, we as educators are obligated, if we have any kind of thought, to report it to children's aid, and then it is out of our hands, which is the law.

However, I would just like to say that I believe this bill is good, because it will expand the mandate of the Provincial Advocate for Children and Youth, and the amendments would give the advocate investigative powers for matters related to services provided by the children's aid society and certain residential licensees where a children's aid society is the placing agency.

The Office of the Provincial Advocate for Children and Youth is well positioned to provide additional oversight proposed in Bill 8. It has the expertise and experience necessary to put the best interests of children and youth first.

Can you comment on how taking a sector-specific approach by expanding the Provincial Advocate for Children and Youth is a good way to support and protect children and youth in Ontario?

**Ms. Aparna Sanwalka:** I think it is, because they are a neutral third party. They are not dealing with children's aid on a regular, day-to-day basis, as the OCL is, so they can present a fresh set of eyes. And because they're focused simply on the children, they are not a vested party in whether the CAS wins or the parent wins; they're there to simply uncover the truth.

If the parent has done something wrong—I, myself, spent 10 years teaching with the Toronto District School Board and I have been in the Canadian military, so I value and I understand. That's why I think it's very important. You know, we can't just say we don't need children's aid; we need them. There are children out there who do need protecting. But we need someone to hold—because, you know what? We're all human; we make mistakes. And I think we sometimes get tainted if we're working in the same position.

I feel that what's happening is, you know, it's all one little thing, and if something happens that may be wrongful or could be misinterpreted—I use the example because I advocate on a personal basis as my job. I've been doing education advocacy helping school boards and the ministry work together to ensure that the IEPs are reflective of what kids' needs are, and I think the provincial advocate has that role. They're already separate from

the OCL. They're separate from everyone else. They already have the funding; they have the mandate. And I think that if they're given the authority, it's not going to cost taxpayers a whole lot more money, but it gives the children a voice, which is what the CFSA—

**The Acting Chair (Mr. Mike Colle):** Okay. Thank you very much. We appreciate your making yourself available and taking the time to share your very important thoughts with us. Thank you again.

#### ASSOCIATION OF MUNICIPALITIES OF ONTARIO

**The Acting Chair (Mr. Mike Colle):** The next presenters are from the Association of Municipalities of Ontario, commonly known as AMO. We have the mayor of the great city of Tecumseh here, Gary McNamara, who is the president; and Pat Vanini, executive director of AMO. Welcome. You have five minutes, and there will be a three-minute go-round—I think you've been here before.

**Mr. Gary McNamara:** Thank you, Mr. Chair.

Public trust is one of our shared values. A municipal government, like any other order of government that lacks public trust, has every reason to earn it, and good government is best served when we meet that goal independently.

AMO is here to speak about how to improve the clarity of the bill. Our written submission sets out recommended amendments. The allotted five minutes for remarks only allows highlights of several of them; however, each of the proposed amendments is important.

The bill requires the Ontario Ombudsman to have regard for education rights and academic freedoms when investigating school boards and universities. There is no similar reference to municipal governments. The policies and principles that shape elected municipal governments and their governing authorities of the Municipal Act must be referenced. The purpose clause, section 2 of the Municipal Act, should be added to achieve this.

An ombudsman's function is to investigate an individual's complaint related to administrative fairness. The courts have interpreted "in the course of the administration" broadly to include anything that is "not a decision of the Legislature or the courts or is not explicitly excluded by statute."

Municipal councils carry out both legislative and administrative functions. Bylaws and other policy decisions and proceedings are legislative in nature and similar to those of the Legislative Assembly or cabinet. The bill would benefit from some clarity that this principle applies to municipal governments.

In addition, recommendation 2 speaks to clarifying that the function of any ombudsman is to investigate an individual's complaint about "fairness in" any decision in the course of administration of a public sector body. The phrase "fairness in" needs to be added to section 14(1) of the Ombudsman Act. It is apparent that there are conflicting interpretations of who does what when it comes to investigative authority.

For example, we understood the government's rationale for setting up the patient ombudsman with medically informed professionals to take on the ombudsman role. Yet we understand the Office of the Ombudsman feels it has some jurisdiction for the patient ombudsman and for integrity commissioners.

Auditors General already deal with efficiency and effectiveness reviews. Their functions have specialized expertise and recognized codes of professional conduct. These officials should be the body that is the final complaint and review investigator, and the bill should be amended to make this explicitly clear. In addition, closed-meetings investigations are procedural in nature and are not matters of administrative fairness.

There has been a lot of talk about systemic reviews, yet no one has been able to offer a definition. We have tried to do this in recommendation 4. I would suggest that it would be somewhat irresponsible to not define "systemic review." You need to resolve this.

The bill also establishes a super-oversight authority by permitting complaints to be appealed to the Office of the Ontario Ombudsman or providing an authority for the Ombudsman on its own decision to reinvestigate another officer's investigation or decision. A multiple, complex complaint/investigation system will make it unnecessarily challenging, if not confusing. As one example, it is not clear that a complainant will need to finish the municipal process first—or can they go to the super-oversight of the Ontario Ombudsman at any time? We believe that provincial oversight of municipal oversight officers is unduly complex.

The role of a closed-meeting investigator is, on a complaint basis, to determine procedurally whether a municipal council has complied with the open-meeting provisions of the Municipal Act. The investigations often hinge on determining whether a meeting has, in fact, occurred. The courts have consistently held that "meeting" in the municipal context is when a quorum of elected officials gather to deal with matters which would ordinarily form the basis of council or a local board or committee's business "in such a way as to move them materially along the way." The Ombudsman holds a different definition. As with all other matters, municipal solicitors and administrators advise their councils, boards and committees of their obligations based on documented law. The use or potential use of multiple, different meeting definitions undermines the ability to be accountable and transparent.

This definitional matter is even more critical if the bill's proposed super-oversight system is unchanged. We recommend that there be a common definition of "meeting" and that Bill 8 be amended to incorporate the court's definition.

If Bill 8 becomes law, municipalities will need transition time to align the new framework with their budget cycle and to review their complaint processes and procedures to support the new framework. In practical terms—

**The Acting Chair (Mr. Mike Colle):** Thirty seconds.

**Mr. Gary McNamara:**—a one-year transition period is reasonable.

Given the complexity of this bill, we recommend that the Ombudsman Act be amended to permit municipal governments and others the ability to apply to the courts to ascertain a question of jurisdiction. Having only one side, the Ombudsman, be able to question jurisdiction is unfair. Recommendation 11 will ensure balance and fairness.

This bill introduces new measures and structures. It is not a simple bill in its construct. There needs to be some check and balance, given some of the interpretive elements raised here and elsewhere.

We also recommend that this bill be reviewed in three years—

**The Acting Chair (Mr. Mike Colle):** Thank you, Mr. McNamara. Thank you for your presentation. Now we'll have questions, starting with Ms. Fife from the NDP.

**Ms. Catherine Fife:** Thanks very much, Mr. McNamara and Ms. Vanini, for coming here today. One question—first, I'll preface: We didn't support this bill because it's an omnibus bill and there is so much in it. There are a lot of things that get lost in it. But do you feel that municipalities were consulted appropriately before bringing forward the idea of an ombudsman oversight?

**Mr. Gary McNamara:** First of all, we had some discussions on the previous bill. I believe it was Bill 179.

**Ms. Catherine Fife:** Yes. Do you think it was an appropriate level, given some of your concerns that you brought forward?

**Mr. Gary McNamara:** No, we think we should have had more.

**Ms. Catherine Fife:** Okay. The Ombudsman, as you know, in the province of Ontario has long sought the power of oversight over municipalities, over the whole MUSH sector, although in this instance they left out health care, which is a huge issue in the province.

1620

One of the key issues historically has been closed meetings. He can, I understand, investigate these now, as you mentioned in your presentation. What will your members do to prepare to comply with this component of the act, Ombudsman oversight over closed meetings?

**Mr. Gary McNamara:** Well, first of all, we're all understanding of clarity and transparency. We're all-in in terms of having that in place. For us, there is already legislation under the Municipal Act that guides us in terms of where we can and cannot go when it comes to closed meetings.

**Ms. Catherine Fife:** We heard earlier today that several municipalities, as you know, have their own integrity commissioners. This seems to be an increasing trend. Municipalities have recognized, I think, that there are some questions around the table, and they've tried to address this issue. Can you speak to the trend of municipalities adopting the integrity commissioner model?

**Mr. Gary McNamara:** I'll defer to Pat.

**Ms. Pat Vanini:** Sure. I think, Ms. Fife, that you're correct. There's an evolution. There are things moving

along. Poor memory today, but I think there's over 30 or so integrity commissioners, generally in the very large urban centres, but it is something that grows and evolves.

**Ms. Catherine Fife:** Okay. Thank you very much for your time.

**The Acting Chair (Mr. Mike Colle):** Okay. Over to the government side: Mr. Ballard.

**Mr. Chris Ballard:** Thank you both for being here today and presenting. I have a little bit of experience—you have a lot more experience—from a municipal perspective of working and living in that goldfish bowl, having been a municipal councillor myself.

I just want it to be clear, though, that Bill 8 will give the Ontario Ombudsman the authority to investigate local complaints although only after the local process has been completed. I know there has been concern around that, but the local process will take place before the Ombudsman would come into play.

Just a couple of comments: There are 444 municipalities in Ontario, and I understand that only about 40 of them have chosen to implement an integrity officer of any sort. I know the municipality that I served in had an integrity commissioner. Another council came along, and he saw the writing on the wall and resigned, so then we didn't have an integrity commissioner. First-hand, I witnessed the difficulty, especially from a smaller municipality that may not have the resources to put an integrity commissioner in place.

Forget what the Ombudsman's report was in terms of closed meetings. We're all familiar with LAS; 46% of their closed-meeting investigations in 2013 came back and said there had been violations. Personally, I think there's an issue, and I think that proves it or demonstrates some concern anyway.

I just wanted some feedback from you, especially about those municipalities—because I came from a small municipality—that have less resources than others to establish their own accountability officers. Do you see any benefits to those municipalities, those without the resources to do it themselves, gaining access to the provincial Ombudsman?

**Ms. Pat Vanini:** If I could comment on the closed meeting element of it: In terms of the breaches, as the president said, we would, in the sector, benefit from a much clearer, less vague definition of what a meeting is, and we have provided you with some examples in the submission. That would go a long way. I think certainly in terms of the breaches, because they are complaint-specific and related to the circumstances, it would be important to ensure that there is a common definition of "meeting" across the province. Without a common definition, it puts municipal legal advisers in a very awkward position as to how to give the best possible advice. In fact, they want to be in compliance, but if you've got all this variety, it's really going to be hard and even worse in a two-tier appeal system.

**The Acting Chair (Mr. Mike Colle):** Thank you, Mr. Bailey.

**Mr. Robert Bailey:** Thank you, Chair. I'd like to thank the delegation here today for this great report they've put together. I'm trying to look through it quickly here.

Anyway, maybe you could elaborate on, just to give you time to get on the record here, the time required for the transition. What kind of timelines, Mr. McNamara, do you think you'd be looking at to do a fair job?

**Mr. Gary McNamara:** We think at least one year. Remember, we've just come out of a municipal election. We've got a lot of new members who are coming to the table. We're probably a few months behind in getting our budgets ready and what those impacts are going to be, moving forward.

We feel a fair amount of time in the transition would be at least one year.

**Mr. Robert Bailey:** Then, you mentioned something in your submission about, after three years, taking another look at the legislation and maybe making some improvements or some deletions. Would you care to elaborate on that?

**Mr. Gary McNamara:** Yes. Obviously, this is a very complex piece of legislation that covers the broader public sector. There's no question that there is nothing wrong in three years down the road to re-evaluate, to see exactly where we've been, where we're going and how it's been effective.

**Mr. Robert Bailey:** Okay. One more question: Maybe elaborate on the impact, just for some of us who maybe haven't been as involved as much, about the definition of meetings. I found that proposal in here quite interesting, so if you want to get something on the record about that, about the definition of meanings.

**Ms. Pat Vanini:** First of all, I would encourage you to read the details within the written submissions on that because it gives you some examples of it and I don't think I have time to get into it.

**Mr. Robert Bailey:** No.

**Ms. Pat Vanini:** But I think the real effect is that if in fact we are looking at investigation on complaints—if there isn't a clear definition, first of all, councils may make a mistake. But as well, the public isn't as informed about what a meeting is. I think it's really important for all the participants who will be impacted by any piece of legislation to get the clarity, so we certainly have provided some advice on that.

**The Acting Chair (Mr. Mike Colle):** Thank you. Your time is up. Thank you, Mr. McNamara. Thank you, Ms. Vanini.

#### ELECTRICITY DISTRIBUTORS ASSOCIATION

**The Acting Chair (Mr. Mike Colle):** The next presenters are from the Electricity Distributors Association: Mr. Jim Hogan, the chair.

Mr. Hogan, you'll have your five minutes and then there will be questioning, starting with the government side.

**Mr. Jim Hogan:** Good afternoon, Mr. Chair, and members of the standing committee. My name is Jim Hogan. I'm the chair of the Electricity Distributors Association. I'm also the president and chief executive officer of Entegrus. We're a utility down in Chatham-Kent and a number of other communities in southwestern Ontario. I'm pleased to be here today on behalf of the association to discuss Bill 8.

The EDA is the voice of Ontario's local electricity distribution sector, which consists primarily of municipal and privately owned local distribution companies, also known as LDCs. The LDC sector delivers power to all Ontarians through 4.9 million residential, commercial and institutional customers. I'm here before you today to respectfully ask that Ontario's LDC sector be excluded from the scope of this legislation.

The EDA is seeking an exemption for the LDC sector from Bill 8, specifically those provisions which would put our sector under the jurisdiction of the provincial Ombudsman. Expanding oversight of the LDC sector to that organization should be avoided for three main reasons. First, it is a duplicative model of oversight in an extensively regulated sector. Second, it has the potential to create customer confusion and dilute an established escalation of authority. Third, it is unnecessary for an already transparent and accountable sector.

LDCs are already subject to oversight measures that go well beyond what is proposed in Bill 8. The Ontario Energy Board, or the OEB, oversees the province's electricity system through a rigorous regulatory regime. The OEB is independent and they're a quasi-judicial agency that provides consumers with the information they need to better understand energy matters. It also monitors the financial and operating performance of LDCs for compliance with their regulations and codes.

Increasing the scope of the Ombudsman to include LDCs duplicates the work by an established and experienced regulator. Like an ombudsman, the OEB listens to and responds to the concerns of consumers.

#### 1630

The Ombudsman model issues non-binding recommendations in areas it chooses to investigate. The OEB, however, is structured as a public tribunal where decisions are made and recommendations are strictly enforced, and they're enforced through fines, budgetary penalties and to possible revocation of an LDC's licence to operate for compliance breaches.

In addition to the OEB, LDCs are subject to oversight from several other government agencies, such as the Independent Electricity System Operator, the Ontario Power Authority and the Electrical Safety Authority, and we receive political direction from the Ministry of Energy and many others. We also follow the legislation and regulations from a number of acts and regulatory codes.

The distribution sector stresses the importance of providing customers with a clear path for complaint resolution. The EDA is concerned that the addition of an ombudsman confuses customers as to the appropriate path to escalate their complaints. The OEB already has

the function of an ombudsman by facilitating the interaction between LDCs and consumers when escalation is required. Right now, customers have the opportunity to escalate their concerns to the OEB if they are not satisfied with an LDC's response. Customers can also contact the OEB consumer division directly, as LDCs are required to inform their customers about their option to contact the regulator. In fact, the OEB's contact details are provided on our electricity bills.

The OEB also logs LDC complaints. In 2013, there were approximately 1,200 LDC-directed complaints, which represents a negligible percentage, with approximately 40 million in total number of customer bills issued annually in our sector.

The Ombudsman's mandate is to respond to systemic consumer issues about organizations within its jurisdiction. However, the OEB's distribution code—

**The Acting Chair (Mr. Mike Colle):** Thirty seconds.

**Mr. Jim Hogan:**—already provides the guidelines that address systemic issues when raised. Adherence to this code is an OEB condition of licence for LDCs. If the OEB finds new systemic issues in the LDC sector, they will consult with consumers, the industry and other stakeholders and amend the code in compliance.

The LDCs are held to a high standard of transparency and accountability. Another significant example of our transparency is the issuance of a scorecard. In 2013, we were required to prepare a scorecard and issue the scorecard posted on our websites. The scorecard evaluates our value, costs and service quality—

**The Acting Chair (Mr. Mike Colle):** Thank you.

The government side: Mr. Ballard.

**Mr. Chris Ballard:** Thank you for coming in. I'm glad we have your presentation in print form so that we can catch that last.

I'm fortunate in my riding of Newmarket–Aurora. We have two great organizations providing power. We have Newmarket Hydro and we have PowerStream, and I think both do a very good job.

One of the key things that I wanted to touch on before the question is the Ombudsman's oversight. My understanding of this bill is that it would be an enhancement of the transparency and accountability provided through the OEB, not a duplication; so we're looking for enhancement, not duplication.

But speaking of the OEB, and you spent a fair amount of time on it, with due respect for their work, what it has done in terms of consumer protection—and I come from a background where I was once executive director of a consumer advocacy group in Ontario, although that was many moons ago. I don't think the functions—they don't hold the same level of public attention, for example, the OEB, as the Ombudsman's investigations do, and they're often not focused on those consumer issues of fair treatment, system access or discrimination.

Taking those factors into account, do you think it would make more sense to have the oversight conducted by a third party, separate from the OEB?

**Mr. Jim Hogan:** The OEB is independent. They are a third-party organization that is the regulator. They have all the codes. They do get very involved in the customer complaints that go on. They invite customers to be involved in our rate applications. Consumer groups have to be there. They're all there.

Before we present our rate application from the Ontario Energy Board, we have to hold consumer surveys, we have to have focus groups, and we have to submit their feedback as to our services. We do our best to deal with the problems ourselves. However, there are the channels already for us and the Ontario Energy Board to solve all the problems. They're already there. That is the role of the Ontario Energy Board, and that's why we believe that it is duplication.

**The Acting Chair (Mr. Mike Colle):** Over to the PCs: Mr. Bailey.

**Mr. Robert Bailey:** Thank you for coming in today, Mr. Hogan. I appreciate your report and your submission.

I come from Sarnia–Lambton, so I have the pleasure of dealing with Bluewater Power and Hydro One on an ongoing basis. They both have a good response whenever I have complaints.

Could you elaborate on how this could impact the ratepayers—the cost to the ratepayer—if they implemented all or part of this, and how it would affect customers?

**Mr. Jim Hogan:** Customers are already paying for the oversight of the Ontario Energy Board. It's in the regulatory charge that's part of our fees. Each utility is slightly different. In Ontario—\$15 million to \$20 million—customers are already paying for the oversight, and that's throughout the province.

Whatever costs we would incur for the Ombudsman's oversight would be additional costs, whether that will be costs of our time or costs of whatever the Ombudsman does in order to get there.

So there is significant funding already going towards oversight of our sector, and it's through the Ontario Energy Board. Again, there are a lot of avenues for consumers to communicate with us and communicate with our regulator.

**Mr. Robert Bailey:** When you talk about increased costs, it would be in the filling out of reports. You'd probably have a staff dedicated just to filling out reports. This is what I always hear about most government agencies: “We're here from the government. We're here to help you,” and then the people have to dedicate staff just to fill out reports, and then another group comes in the next month and wants the same stats but in a little different form. Are we looking at something like that?

**Mr. Jim Hogan:** Exactly. I'm not exactly sure what the format would be of the Ombudsman coming in and overseeing us, but there are definitely going to have to be some resources on the front line in order to fill out the reports, to look into the claims and whatever the issues are. Definitely, there's some funding there. I would assume there's some funding from the Ombudsman's

office, and that would be some additional costs that would need to be funded from some place.

When we file an application to the Ontario Energy Board for our rates, it's about a 1,000-page document, and now we're going to have to do something else for another agency. You need people and time and resources to do that.

**The Acting Chair (Mr. Mike Colle):** Over to Ms. Fife.

**Ms. Catherine Fife:** Thank you very much for your presentation. Actually, you're one of the few voices from your sector who have been able to comment on Bill 8, so I appreciate that.

I think we would completely agree with you that in the energy sector in particular, the oversight is very messy. I don't know if that's politically correct to say, but that's what it feels like—so many layers.

Do you think that the Ontario Energy Board, as a regulatory agency, would be able to make substantial and meaningful and, ultimately, systemic changes based on complaints that they hear from consumers, from the people of this province?

**Mr. Jim Hogan:** I believe they do. There are always changes to our codes, and many of the changes to our codes are from processes that customers get involved in. Probably one of the most important ones and one of the ones that we spend a lot of time on is how to assist our low-income customers. There's a significantly different process and significantly different resources because those customers need some extra help. The Ontario Energy Board, through communicating with customers and consumer agencies, has made a great deal of effort there for that group.

**Ms. Catherine Fife:** So this would happen through this public tribunal process? Is that—

**Mr. Jim Hogan:** That's right. They are quasi-judicial, and they have codes and rules as to how they go through the processes of changing our codes. They're very public. There are many consumer groups that do show up and participate. All these notices are publicly identified in all our local newspapers. There is a lot of input in those processes.

**Ms. Catherine Fife:** Speaking about input: Prior to Bill 8 or this new bill with 11 different schedules in it coming out, were you consulted and did you have an appropriate opportunity to give this feedback that you've given us today to the government?

**Mr. Jim Hogan:** The EDA was not consulted.

**Ms. Catherine Fife:** On this?

**Mr. Jim Hogan:** On this, yes.

**Ms. Catherine Fife:** Thank you very much.

**Mr. Jim Hogan:** You're welcome.

**The Acting Chair (Mr. Mike Colle):** Thank you, Mr. Hogan, for your presentation.

**Mr. Jim Hogan:** Thank you.

**The Acting Chair (Mr. Mike Colle):** We appreciate it.

**Mr. Jim Hogan:** You're welcome.

1640

## ONTARIO COUNCIL OF HOSPITAL UNIONS

**The Acting Chair (Mr. Mike Colle):** Next we have, from the Ontario Council of Hospital Unions, Michael Hurley, the president. Michael?

**Mr. Michael Hurley:** Thank you so much for the opportunity to present today. The area of the legislation that I'd like to focus on is the exclusion of the Ontario hospital system from oversight by the Ombudsman.

I've brought for you a patient care hotline which our union produced this year, which deals with the stories of patients who have had, generally speaking, unfortunate and, in many cases, tragic experiences with the hospital system which, if dealt with individually, we might think are a shame or regretful, but the fact is that in some of these cases—and I'll give you the example of hospital-acquired infections—we know that approximately 4,000 Ontario citizens will check into our hospitals for a hip replacement or some other procedure and will pick up MRSA, C. difficile or another superbug and will die. Some 4,000 will die every year.

The British Minister of Health, who's a Conservative, addressing the health care leadership in Britain, said, "Don't you think that if a jumbo jet was falling out of the sky every week"—which is the equivalent—"the aviation industry might get its act together and deal with this to stop the carnage?"

The truth is, the Ontario hospital system tolerates—and the Ministry of Health tolerates—an unacceptably high level of patient mortality. This is a systemic problem. This is not the problem of an individual patient who has a misfortune. This is a problem of a person who encounters something that's statistically probable for people in Ontario. These kinds of systemic questions, the hospitals will be aloof from.

Drawing any conclusions about the experiences of individuals to change the system; to have an ombudsman who is focused on the individual rather than the systemic; to have an ombudsman for patients who is not appointed by the Legislature but is in fact an appointee of the health council; to allow the hospitals to continue to be exempt from oversight; to allow them to continue to operate as they do, without transparency—and although they're subject to certain budgetary requirements or legislative requirements, for example, to involve people in their budget processes, we would say that that rarely happens in any substantial way.

These are institutions that cry out for oversight. These are institutions that cry out for the attention of the provincial Ombudsman, not some patient ombudsman. We would see that office as being sort of a fraudulent exercise, to allow people to have a place to complain without it resulting in the kind of systemic change which is often required.

**The Acting Chair (Mr. Mike Colle):** Thank you, Mr. Hurley. We have three minutes of questioning, starting with the PCs: Ms. Martow.

**Mrs. Gila Martow:** Hi. Thank you very much for your presentation. I was working in a hospital, and what I would want to ask you about is that a lot of the people in the hospital whom patients may be complaining about already have professional boards. They have colleges that the patients can already go to. We have an incredible system of complaints in terms of the health care system—nurses, doctors and technicians, and even myself, as an optometrist—so that’s why I would ask you why you feel that patients don’t have enough representation in terms of all the professional associations.

**Mr. Michael Hurley:** A patient with a malpractice problem—it’s an excellent question—obviously can lodge a complaint with one of the regulatory bodies, one of the colleges. But what’s absent here is someone who’s connecting the dots between these individual patient experiences which, when examined together, show up to be a statistical tendency, which needs to be addressed in order to avert tragedy for others. I think that’s the piece that’s missing.

**Mrs. Gila Martow:** Okay. Thank you very much.

**The Acting Chair (Mr. Mike Colle):** Thank you. Ms. Fife for the NDP.

**Ms. Catherine Fife:** Thank you for your presentation. I think we all have a thorough understanding of where you’re coming from. Last session, when this came forward through Bill 179, you called that piece of legislation at the time “a mockery of a legitimate complaints process for hospital patients and long-term-care residents.” Do you still feel that way about Bill 8 as it’s presented to us in this Legislature?

**Mr. Michael Hurley:** Well, I don’t think that it is an honest complaints process and I do think that it leads people to believe they have a complaints process that can result in change without it actually being able to deliver that, and I don’t think it’s intended to deliver that. So in that respect—thank you for reminding me—I do think it’s a mockery.

**Ms. Catherine Fife:** Thank you, and we share the concern on this. I mean, it makes no sense whatsoever to bring Ombudsman oversight and leave the H out of the MUSH system for us.

The report that you presented us is really interesting. You cite that, today, 75% of the home care service providers are for-profit. This is a particular area of concern for us, because the patient ombudsman would not be able to go to a for-profit retirement home, if you will, or home care facility without giving due notice or securing a warrant. Can you touch on that, please?

**Mr. Michael Hurley:** That’s obviously a real concern because, not only in the area of long-term care but in terms of acute care, services are moving from hospitals into private and sometimes for-profit settings, which would mean that they also would be exempt from oversight. We have this problem also in the community sector, with corporations delivering home care services to massive swaths of the population geographically who also then would be impeded from pursuing a complaint in a meaningful way, although they would have been misled

into believing they had such a complaint process by virtue of the legislation.

**Ms. Catherine Fife:** Thank you, Michael. I think your point around that this is patient-focused and does not address the systemic issues at play in the health care system—can you leave us with a few thoughts as to why you think the H was left out of the oversight, if you will, the hospital sector?

**Mr. Michael Hurley:** Two reasons come to mind. One is that the hospitals are incredibly powerful organizations in their communities and they still have enormous political influence. The second is that if you were to connect the dots, you would be left with some systemic conclusions which might have financial liabilities for the province. But the truth is, the cost to us of not dealing with remedying things like the hospital superbug problem, which is costing us hundreds of millions of dollars a year, probably outweigh any liability to us and—

**The Acting Chair (Mr. Mike Colle):** Thank you, Mr. Hurley. We’ve got one more round here.

To the government side. Mr. Baker.

**Mr. Yvan Baker:** Thanks very much for coming in. I appreciate it.

Now, you’ve raised a number of issues. A couple of the issues that stood out to me that you raised are around the need for oversight of hospitals. You also talked about the need “to connect the dots”; I think that was the expression that you used, so identifying issues in different parts of the health care system and identifying trends and therefore addressing those trends.

I think that’s exactly what this bill aims to do in a couple of ways.

First of all, we’ve taken a sector-specific approach. You’ve got someone, the patient ombudsman, who is an expert in the health care system and will be able to oversee hospitals, long-term-care centres and CCACs. What that means is they’ve got the experience, but they have also got the ability to oversee and connect those dots throughout those various elements of the system that I was talking about.

In terms of housing it in Health Quality Ontario, what that allows the patient ombudsman to do is to immediately have an impact on addressing the issues that have been raised. As issues are raised and as those dots get connected that you were talking about, there’s really an opportunity for Health Quality Ontario, which is mandated to improve the quality of health care, to act on those things. I think the priority has been put on making sure that we can correct those things as soon as possible.

On the point of the independence, a number of steps are being taken to make sure the patient ombudsman would be independent. One is around making sure that he or she has a separate dedicated budget, and that their reports be disclosed publicly and not just to the minister. It’s not a secretive process. It would be a public process, so everyone—patients, taxpayers—would be aware of what those recommendations are and what those concerns are. They have a clear mandate, and HQO is an arm’s-length organization.

1650

I guess my question to you is, when you think about the issues that you've raised and the need for oversight of hospitals and other elements of the health care system, how important is it, do you think, to have someone in that role who is an expert, who is focused on the health care sector?

**Mr. Michael Hurley:** I think what's important is that the person have integrity and be perceived to be independent and have the powers that are necessary to conduct investigations, including systemic investigations. I think it's odd that we would exempt the largest single budget item in Ontario from oversight by the Ombudsman and that we would put in place somebody who won't have the power to do the kind of systemic oversight that the Ombudsman would have. In that respect, I think it's a bit of a fraudulent exercise.

**Mr. Yvan Baker:** Okay. Do I have time?

**Mr. Mike Colle:** Twenty seconds.

**Mr. Yvan Baker:** Okay. First of all, the person has to have the independence and they have to have the capabilities. We talked about the capabilities and them being specialized and sector-specific, but the idea that they are independent, I think, again, is enshrined. They've got a separate budget. They're going to have a clear mandate. They're going to have to disclose publicly. I think these are some of the things that at least my constituents in Etobicoke Centre want. When complaints are raised, they want them acted on right away.

**The Acting Chair (Mr. Mike Colle):** Okay. Time is up. Thank you.

**Mr. Michael Hurley:** Judges don't have to be doctors in order to hear malpractice suits. I mean—

**The Acting Chair (Mr. Mike Colle):** Thank you for your presentation.

**Mr. Michael Hurley:** Thank you very much.

#### OFFICE OF THE AUDITOR GENERAL, CITY OF OTTAWA

**The Acting Chair (Mr. Mike Colle):** The next presenter is from the Office of the Auditor General of the city of Ottawa: Ken Hughes, the Auditor General of the city of Ottawa. Mr. Hughes, welcome.

**Mr. Ken Hughes:** Thank you, Chair and members of the committee. Let me begin by thanking you for the opportunity to address you in relation to this important bill.

My name is Ken Hughes. I am the Auditor General for the city of Ottawa. As an Auditor General, accountability and transparency are paramount. I am before you to draw your attention to areas of the bill that may cause confusion.

The Ombudsman provides an essential voice for citizens who have been personally affected by a decision, recommendation, omission or action of the government. This important function is outlined in section 14 of the Ombudsman Act.

An Auditor General's role is to follow the citizens' tax dollar to ensure that value for money, economy, effi-

ciency and effectiveness are received from government operations. This is a vital function. Both the Auditor General and Ombudsman roles are necessary. Both roles, in my opinion, are complementary; however, it's imperative that both roles not be confused.

Under the Municipal Act, as an Auditor General, I assist city council "in holding itself and its administrators accountable for the quality of stewardship over public funds and for achievement of value for money."

My office performs independent, objective and systematic audits of how well city staff are managing their activities, meeting their responsibilities and using the resources under their purview. The Municipal Act gives me the responsibility of holding administrators accountable.

It was Mr. Desautels, the Auditor General of Canada from 1991 through 2001, who personally laid out the design of the Offices of the Auditor General in both Toronto and Ottawa and participated in the drafting of the municipal bylaws. Both the Ottawa and Toronto offices are successful Auditor General offices and their councils implement the audit recommendations prepared by the Auditors General.

To date, the Ottawa Auditor General's office identified over \$50 million in savings for taxpayers. This equates to a 3.75% municipal tax saving each and every year to the taxpayer. On our budget of less than \$2 million, every dollar invested in the Office of the Auditor General returns over \$19.

Similarly, the website of the city of Toronto shows that in the last five years the Office of the Auditor General delivered savings of approximately \$223 million.

There are many other valuable findings from the audits and reviews that cannot be quantified. One would have to agree that the Ottawa and Toronto offices and the provincial and national Auditor General offices demonstrate that, when properly set up, Auditor General offices are a key tool in improving accountability and transparency.

Recently the Ombudsman was quoted as saying that the installation of Auditors General in several Ontario municipalities was a "flavour-of-the-month" trend that can only be seen as a "dismal failure." The institution itself is not a flavour-of-the-month trend. The Toronto and Ottawa offices are not failures. I am sure that Mr. Desautels saw the Auditors General role in municipalities as a key component of good governance, not just a passing fad.

With no cohesive network, however, and with the provincial Auditor General not having municipal oversight, some smaller Auditor General offices were not set up properly. This does not mean that the institution is a passing fad, but it's a situation that needs the right attention.

Recent news articles suggest that the Ombudsman may now be looking into the finances of jurisdictions, including looking at expenses, possible fraud, as well as other matters. These duties are not an Ombudsman's traditional role. The duties would have been the Auditor

General's responsibilities, were there one appointed. So there is a gap, and this bill has shed light on that gap.

Turning to the best approach, the Auditor General for Ottawa is best positioned, in my opinion, and the right person to address any financial and value-for-money matters. However, the provincial Auditor General's jurisdiction must be extended to the municipalities, especially in those municipalities without Auditors General.

Alternatively, the Legislature may consider codifying the Auditor General municipal role as a requirement, as other provinces have done in their legislation. For example, in Quebec, municipalities with populations greater than 100,000 must have an Auditor General. In British Columbia, they have a provincial municipal Auditor General.

**The Acting Chair (Mr. Mike Colle):** Thirty seconds.

**Mr. Ken Hughes:** In closing, I make two important recommendations. I respectfully recommend that this committee exclude the Ombudsman's powers in the bill from issues related to the traditional Auditor General's responsibilities.

Further, I recommend that the committee endorse as an immediate next action that the jurisdiction of the provincial Auditor General be extended to include municipalities.

Both of these recommendations, if implemented, will ensure that a seamless transparency and accountability framework that avoids duplication and confusion exists. It will allow Ontario's Auditor General to follow the dollar across the province instead of being shut out of reviewing municipal spending.

**The Acting Chair (Mr. Mike Colle):** Thank you, Mr. Hughes.

Starting with the NDP: Ms. Fife.

**Ms. Catherine Fife:** Thank you very much. You make a very compelling argument for the amendments you propose. I'm curious, because we've had several very well-informed people come forward who have a relationship with this government, as you point out. You've worked collaboratively, if you will. Did you get a fair opportunity to make this case to the government prior to this bill coming forward?

**Mr. Ken Hughes:** I was not contacted by anyone about this bill. I followed it in the media and I followed it in the information that is on the Legislature's website.

**Ms. Catherine Fife:** And then you travelled here?

**Mr. Ken Hughes:** And then I travelled here.

**Ms. Catherine Fife:** Okay. Well, thank you very much for coming. I appreciate the particular amendments that you've put forward.

**Mr. Ken Hughes:** You're very welcome.

**The Acting Chair (Mr. Mike Colle):** Thank you. Over to the government side: Mr. Baker.

**Mr. Yvan Baker:** Thank you very much for coming. I appreciate it. There are a number of points you made and there are a couple of points that stood out for me. One is about increasing the need for accountability and oversight for the municipalities—and thank you for the important work that you do as part of that. I think it's really important work.

You also talked about avoiding duplication. Just briefly, just to recap a little bit, we have about 444 municipalities in the province, of course, and about 1% have an ombudsman and about 10% have an integrity commissioner. In 2013, about 1,600 complaints were received by the Ontario Ombudsman concerning municipalities, which I think speaks to the point about extending Ombudsman oversight to municipalities. There's obviously a demand there.

On the issue of duplication, though, one of the key elements of this bill, which I think is a positive one, is the fact that the Ontario Ombudsman would not duplicate in that the Ontario Ombudsman would not oversee or be involved until all local processes had been exhausted, and that includes the auditor. So to my mind, this is a situation where we need an ombudsman who, as you pointed out, can provide oversight to municipalities, but only once the local municipality has taken whatever steps it has in place to ensure accountability and oversight.

I guess my question to you would be, can you talk a little bit about the importance of ensuring that the Ontario Ombudsman has that oversight over municipalities?

**Mr. Ken Hughes:** I think I said that the oversight over economy, efficiency and effectiveness and following the dollar should rest with an auditor, someone like the provincial Auditor General. In this province, an Auditor General is optional. I would have to admit there have been some false starts with some Auditors General, but I believe that if you extend, as they have done in other provinces, the oversight of the provincial Auditor General to all municipalities, we'll fix that gap, and it's a gap that is made perfectly clear with this bill.

**1700**

In my view, that oversight rests with the provincial Auditor General, and I think an Auditor General working in concert with an ombudsman, who responds to the complaints of an individual, will ensure that we've got a complete accountability and transparency framework in this province. I don't think anyone in this room would disagree that an Auditor General, when properly implemented, is a valuable and an important function. Our federal Auditor General is certainly doing some very good work in Ottawa. We see it every night on the television.

I can say that both in the cities of Toronto and of Ottawa, where a serious effort was made, they took the job seriously and they implemented that function. They're often not happy with the reports that we deliver—because we have that independence, and we bring things to the fore, a lot of the warts that people don't want to see—but at the end of the day, they implement the recommendations that we, as Auditors General, bring forward in Ottawa and Toronto.

**The Acting Chair (Mr. Mike Colle):** Thank you, Mr. Hughes. Now from the PCs: Mr. Bailey.

**Mr. Robert Bailey:** Thank you very much. I was very interested in your recommendations and your proposals. I certainly could see the benefit to the Auditor General. Are there any provinces that presently have Auditor

Generals who look after municipalities, like in the west or in the east?

**Mr. Ken Hughes:** Absolutely. In British Columbia, it's actually an interesting framework. They have a provincial Auditor General, and then they have an Auditor General for municipalities, and that Auditor General has responsibility for all municipal activities in every municipality in the province. There are no municipal Auditors General in British Columbia, but this fills that gap. They identified the same gap that we have here in Ontario, and that's how they filled it.

**Mr. Robert Bailey:** And that's how they did it. Okay. That's good.

**Mr. Ken Hughes:** In the province of Quebec, what I think is very interesting is not the option of having an Auditor General but the requirement to have an Auditor General within the municipal act. In that act, not only is it compulsory if your population is greater than 100,000, but it actually dictates the minimum budget that must be set aside for the Auditor General in that municipality.

**Mr. Robert Bailey:** Thank you.

**The Acting Chair (Mr. Mike Colle):** Thank you very much, Mr. Hughes.

**Mr. Ken Hughes:** You're very welcome.

#### OFFICE OF THE AUDITOR GENERAL OF ONTARIO

**The Acting Chair (Mr. Mike Colle):** The next presenter—talking about Auditor Generals—is from the Office of the Auditor General of Ontario, Ontario's Auditor General, Bonnie Lysyk.

You have five minutes, and then there will be a round of questioning.

**Ms. Bonnie Lysyk:** All right. Thank you. Good afternoon. My name is Bonnie Lysyk. I am the Auditor General of Ontario. Thank you for the opportunity to speak to you today about Bill 8. I am providing a paper and attachments that identify four issues. In the essence of time, I will speak to three of them.

Bill 8 seeks to bring more accountability and transparency to provincial affairs, which is always desirable. It has also led to a useful discussion about creation of a patient ombudsman, expanded authority for the Provincial Advocate for Children and Youth, and new powers for the Integrity Commissioner.

At the same time, however, I want to share my concerns about one aspect of the bill: schedule 9, the proposed amendments to the Ombudsman Act. I believe schedule 9 has wide-reaching implications. I take the view that schedule 9 blurs the line between the roles and responsibilities of an ombudsman and an Auditor General. This creates the potential for confusion over our respective legislative responsibilities.

Under the Auditor General Act, the main focus of my office is the objective and unbiased examination of financial and systemic issues within provincial ministries, agencies and the broader public sector, including universities, school boards, hospitals, long-term-care homes and

children's aid societies. Most of my staff work on systemic audits to assess whether the government and the broader public sector spend taxpayer money with due regard for value for money and whether services delivered are commensurate with the money being spent. Along with the Standing Committee on Public Accounts, my office holds the public sector and the broader public sector accountable to the Legislature and the citizens of Ontario for their use of public monies. We perform our work in accordance with the standards and professional conduct of the CPA Canada.

Under the Ombudsman Act, the Ombudsman's office takes complaints directly from the public and investigates these complaints to determine if they are justified. The Ombudsman provides a valuable service to citizens, who deserve to have their complaints heard, and his annual reports provide insight into the issues people are facing. Citizen complaints deserve to be heard by an independent body, and we believe that the Ombudsman Act clearly states this is the intended mandate of the Ombudsman.

The Ontario Ombudsman has publicly stated that he will be conducting systemic investigations, including in areas where he has not received a single complaint. I am concerned that the consequence of this is that the Legislature will have two officers with the same mandate—in essence two Auditors General doing systemic audits of their own choosing.

Under section 15 of the current Ombudsman Act, “the assembly may make general rules for the guidance of the Ombudsman in ... his or her own functions under this act.” If the committee believes that the role of the Ombudsman should be focused on protecting individual rights through the investigation of complaints, the intent of section 15 is certainly that the Legislature can provide guidance.

In the spirit of seeking clarity around the role of the Auditor General and the role of the Ombudsman, I'm submitting a suggested amendment to Bill 8, which is contained in my written submission.

Schedule 9 would give the Ombudsman new powers to conduct systemic investigations in municipalities, and the current Ombudsman has already publicly said that he “can't wait to oversee” the finances of a particular municipality; there have been many similar comments. This is leading to confusion between the traditional role of an Auditor General to deal with financial and systemic issues, and the traditional role of an Ombudsman to investigate individual complaints as a last resort to remedy an issue that is not already being addressed.

Under section 9 of the Auditor General Act, we already have the follow-the-dollar authority to audit provincial grants to municipalities. However, we do not have the statutory power to carry out systemic audit work on municipal operations.

If the intent of Bill 8 is to extend independent oversight to a wider range of municipal operations and enable systemic audits and the review of financial issues, we believe this could best be done by an Auditor General, whether this is my office to fill the gap for municipal-

ities that have no Auditor General, or through the creation of a provincial municipal Auditor General for municipalities that have no Auditor General, similar to the recently created position of municipal Auditor General for British Columbia. To ensure that the right role is in place for municipal oversight in the form of systemic audits, the Legislature may want to consider this in discussion with key municipal stakeholders.

The current Ombudsman Act allows the Ombudsman to enter premises occupied by an organization under investigation. This is certainly appropriate, and we have a similar section in the Auditor General Act. However, schedule 9 of Bill 8 would also allow the Ombudsman to enter a private dwelling to conduct his investigative work when a justice of the peace issues a warrant allowing this. No such power is vested in any Auditor General or Ombudsman in Canada. This is something that I believe warrants careful consideration by the committee. I would be strongly opposed if such an amendment was ever proposed to the Auditor General Act. I believe that these powers rightly belong only with our law enforcement agencies.

Sorry for speeding through that; I had five minutes. I'd be pleased to take your questions.

**The Acting Chair (Mr. Mike Colle):** That was excellent timing. I forgot to warn you about the 30 seconds. Thank you, Ms. Lysyk.

Now we have questions, starting with the government side: Mr. Baker.

**Mr. Yvan Baker:** Ms. Lysyk, thank you so much for coming in. Let me just first of all thank you for all the work that you do. My background is in the private sector, and I certainly appreciate the kind of work that you do and how important it is to ensuring, particularly, fiscal and financial accountability in government, so thank you for that.

**Ms. Bonnie Lysyk:** Thank you.

**Mr. Yvan Baker:** From my understanding, if I may, here's how I understand the roles of the Auditor General: as being an officer of the Legislative Assembly whose office conducts financial and value-for-money audits of the provincial government's ministries, crown agencies and crown-controlled corporations, whereas the Ombudsman's powers include the investigation of any decision or recommendation done or omitted in the course of the administration of a governmental organization. The Ombudsman's office oversees and investigates the provincial government's ministries, crown corporations, tribunals, agencies, boards and commissions.

I guess my question to you is: What do you feel are the distinctions?

**Ms. Bonnie Lysyk:** I'm sorry?

**Mr. Yvan Baker:** What do you feel are the distinctions between your role and that of the Ombudsman?

**Ms. Bonnie Lysyk:** We have an attachment 1 which compares our mandate to the Municipal Act to the City of Toronto Act and the city of Ottawa's Auditor General and to the Ombudsman Act. That's at the back of attachment 1.

We basically have scope over the broader public sector—universities, school boards and hospitals. Our job is to look at systemic issues—we call them audits and value-for-money audits—that impact people who use those systems. So we are the ones sitting back and providing a report to the Legislative Assembly—yourself and your members—to say, “Here what needs to be fixed or addressed,” and to bring it to the awareness of the assembly.

The Ombudsman, in my mind—and by virtue of the act—has a complaints-based mandate, and it's the point of last resort. Right? People who have issues deserve to have those issues handled, and they do a good job. But I think at the end of the day, the work of systemic—looking at systems and how things work and the finances of organizations—is the bailiwick of Auditors General.

**1710**

My concern would be that there would be confusion, because there is already in the media, from what I'm following—and I'm not a follower of a lot of that. But I find it unhealthy that there are messages being sent out that confuse the roles.

**Mr. Yvan Baker:** Is there time left?

**The Chair (Mr. Grant Crack):** About 36 seconds.

**Mr. Yvan Baker:** Could I quickly ask you, in the time we have remaining, just to talk a little bit about how, in your experience, you've worked with the Ombudsman for the benefit of taxpayers?

**Ms. Bonnie Lysyk:** When our office receives citizen complaints, we're not fitted to deal with individual citizen complaints. Some of them are really hard to hear and they need to be addressed. We refer those to the Ombudsman's office. That's what we do. We don't have the other communication back from the Ombudsman's office into our office at this point in time. I think that would be a very healthy conversation. We have had situations where we've started an audit, and I had a team working in an area, and all of a sudden the Ombudsman was going to do something in the same area, so we pulled out.

Having said that, I think there should be that relationship, but I think the distinction is this: Ombudsman, complaints-based; Auditor General, systemic audits.

**Mr. Yvan Baker:** Thank you very much.

**The Chair (Mr. Grant Crack):** Okay, thank you. We shall move now to the official opposition: Ms. Martow.

**Mrs. Gila Martow:** Thank you so much for coming in and clarifying. It is quite apparent that there are some blurred lines. I think the public wants to know where they go to with their complaints. That's the basis of why we're all here today. There are a lot of frustrated people out there, and I think the Ombudsman has shown himself to be very available to people. Some people are critical of it. Personally, I've always enjoyed following him on Twitter and social media, but I can see how that can also get you into trouble. We all are aware.

What I'm asking you is—and you already answered the question a little bit—is there a way to have it that the public can go to one body and then be directed appropri-

ately? Either this is something for the Ombudsman, or this is something for the Auditor General. Is this something to take to the minister? With all of the social media and computers and cellphones, it's so easy now to communicate with each other. Would you advocate for that kind of a model?

**Ms. Bonnie Lysyk:** That's how I believe it should operate. I think individual complaints go to the Ombudsman. There are issues that are broader, that fit into our mandate, that may have stemmed from complaints. I think that's where the healthy referral back into our office would be beneficial. That's why I point out that in section 15 of the Ombudsman Act, there is the ability for the Legislature to provide some guidance as to what that interface is between our offices.

But my concern is that the choosing of systemic audits—if you have two officers of the Legislative Assembly doing that, you have two Auditors General in Ontario. If the committee wants two Auditors General, I respect the Legislature's decision, and I respect your choice, but I think I'm here to say that that's what I see happening in this situation.

**Mrs. Gila Martow:** I would just finish by saying that nobody wants to see the process slowed down by complaints. We all know that people have a right to have their complaints heard, and a lot of the time their complaints are valid. But sometimes it's just to slow down the process of whatever the municipality or ministry is trying to move forward on, and that's not what we want. I think by having too much confusion, we'll just be slowing down the process. Thank you.

**Ms. Bonnie Lysyk:** Yes.

**The Chair (Mr. Grant Crack):** Thank you very much. We'll move to the NDP: Ms. Fife.

**Ms. Catherine Fife:** Thank you very much for the presentation. I'd just like to publicly thank you for the work that you did on the gas plants situation. You really did follow the numbers, and when you follow the numbers, you really do follow the real priorities. So I do want to commend you for that.

Your presentation today—obviously, there are two areas that I'm interested in. The blurring of the roles of Auditor General and Ombudsman—maybe I might paraphrase you, but you said you may be investigating in one sector and then if the Ombudsman wants to come in, you pull out. Can you shed some light on that, please?

**Ms. Bonnie Lysyk:** Okay. We were actually doing a review at Hydro One of the billings and smart meters.

**Ms. Catherine Fife:** Yes, good.

**Ms. Bonnie Lysyk:** Then we found out there was a press conference announcing that the Ombudsman was going to look at billings inside of hydro. I hadn't come out and publicly said I was doing anything there, so in that case it seemed the best thing to do was just to scope down our audit.

**Ms. Catherine Fife:** You're navigating through some politics, I'm sure, on a regular basis. So you're concerned about crossover between the two offices?

**Ms. Bonnie Lysyk:** I'm concerned that the public will have a certain impression of the Ombudsman's office

which isn't—an office that you go to with complaints and that your complaints get resolved. I'm concerned that the office will be going into financial work, going into work that I think should have the forum of the Legislative Assembly.

When we do systemic reports, they are given to the Legislative Assembly, tabled and referred to the Standing Committee on Public Accounts. I think it makes people more accountable when information on their processes goes before the Standing Committee on Public Accounts, because it allows you, the Legislature, to invite the people who are discussed in those reports and ask them questions. That, I think, is the power that goes with having the Auditor General's office do this on your behalf: You now are engaged in dealing with citizens' issues as well.

**Ms. Catherine Fife:** I think your clarification is that the Ombudsman runs a complaints process and you're trying to address issues from a systemic piece.

While we didn't vote for this piece of legislation for a number of reasons, the challenge or the tension will be between the systemic issues that the Ombudsman should be looking at—and I could see greater collaboration, I think. If the provincial Ombudsman, for instance, could actually address systemic issues in the health care system, which, of course, is not going to happen in this instance, then you could follow the money, and then we could have a very clear picture of what's actually happening in the health care sector, which is the largest budget item in the province of Ontario.

**Ms. Bonnie Lysyk:** We actually do a considerable number of audits within the health care system. We go into the hospitals. We go into the long-term-care homes.

My point on this is, the Ombudsman has a complaints-based authority, and I think it's appropriate that that function handle complaints. If the complaint leads into looking at something a little bit broader, as long as it's brought back to the purpose of the act, I have no issue with it. It's the ones where all of a sudden there's something in the press and now there's not a complaint in the office, but there is an execution of an audit or a systemic review.

As independent officers, we have to be really sure that we're spending our time on the right issues. If a ministry or if a hospital or—if people are dealing with the issues, we have to be appreciative that there are issues that need to be handled by the organizations that have the responsibility to do something.

Having said that, as a place of last resort and to get people's issues dealt with, I think the Ombudsman is the right place for it. It's not us. But for systemic audits, we have the expertise. That's our field. We have the forum in the Legislative Assembly. That's us.

**Ms. Catherine Fife:** Thank you.

**The Chair (Mr. Grant Crack):** I was supposed to cut you off before, but it's very hard to cut off the Auditor General.

**Ms. Bonnie Lysyk:** Thank you for that.

**The Chair (Mr. Grant Crack):** Thank you for coming.

CONSTITUTIONAL RIGHTS CENTRE INC.

**The Chair (Mr. Grant Crack):** It gives me pleasure right now to welcome Rocco Galati, the executive director of the Constitutional Rights Centre Inc.

**Ms. Catherine Fife:** Chair, while Mr. Galati is getting seated—are we going to be discussing the previous issue with regard to the Ombudsman and filming of the—is that coming up?

**The Chair (Mr. Grant Crack):** If we have time at the end, we can, yes.

**Ms. Catherine Fife:** If we have time to talk about it—or it's going to happen?

**The Chair (Mr. Grant Crack):** It depends on 6 o'clock.

Welcome, Mr. Galati.

**Mr. Rocco Galati:** Thank you very much. I'm here with my co-director, Paul Slansky, who is probably Canada's expert on search and seizure.

We are addressing two basic issues with this bill, which we only learned of on Friday. One is the role of the Auditor General and the second is the search provisions, which we see as Soviet search provisions that have never been seen before in our law.

The position of the Auditor General is a constitutional one. It goes back to 1176. From 1176 to 1834 the Chancellor of the Exchequer effectively was the Auditor General. In 1866, the finance ministry and the exchequer combined the Comptroller-General of the Exchequer with the Commissioner of Audit.

1720

What that means in Canadian terms is that, because this was so in 1866 and the function, historically, emanates from the Magna Carta, with the requirement that only Parliament can impose taxes and with the citizens' right to no taxation without representation, in 1867, when the federal and provincial auditors were established, they were constitutionally entrenched as part of the Legislature.

All budget processes have two aspects to them: taxing and spending. When Her Majesty comes into the House in the speech from the throne, it's to get the consent of you, the elected officials for the commons, to impose the taxes that are going to be spent. Historically and constitutionally, that's what the Auditor General ensures: that those are properly spent. Anything that blurs, confuses or crosses over from the Ombudsman to the Auditor General is unconstitutional. There are no two ways about it. Certainly, if the Ombudsman ever tries to use the search provisions against the Auditor General, that is the most flagrant constitutional violation.

We are recommending that an amendment be added to the bill, as 14(4)(c), to read as follows, and it's in our executive summary, which is one page: that in addition to the judiciary and the cabinet, the Ombudsman cannot review or look at "the Auditor General of Ontario and the auditor of any municipality, appointed by the elected council of that municipality."

Municipal auditors flow from the creation of the Legislature to the municipalities. If they have an auditor

general, he or she enjoys the same constitutional protection as the provincial and federal ones. If they don't, then it's the Auditor General for Ontario, like it or not, who is responsible for tracking expenditures and making sure those expenditures were consistent with the taxing power.

This bill seems to assume that the Auditor General is merely a creature of statute. The Auditor General is not. It's a constitutional position that cannot be infringed by the terms of the Ombudsman Act.

With that, I'll leave the rest of the time to Mr. Slansky on the search provisions.

**Mr. Paul Slansky:** I'll try and be as brief as I can.

Section 25(2.2) authorizes searches of dwellings. This gives rise to two concerns. Generally, searches of dwellings will be unconstitutional if they do not meet the *Hunter v. Southam* requirements. Secondly, it could cause problems with respect to the fruits of investigations that may interfere with criminal and quasi-criminal investigations.

There are a couple of basic points that need to be made. If a search power or other power deals with or interferes with criminal law powers, then it will be unconstitutional as a division-of-powers issue with the federal government, according to Starr and a series of other cases. Here the search provision allows searches of dwellings, where the expectation of privacy is one of the highest known to Canadian law. The Supreme Court of Canada discusses it as the traditional concept of one's home as one's castle, and it's required that there be reasonable grounds to believe that an offence has taken place and reasonable grounds to believe that there will be evidence of that offence found during the search. This provision only requires that there be reasonable grounds to believe that the investigation is necessary, which does not meet those minimum constitutional requirements and therefore is unconstitutional.

That's all I really have time for. There is a fairly detailed document that has been provided, about 20 pages long, that sets out in detail the constitutional problems with this legislation and specifically this search power. We say that it should not be part of this bill. It either should just be taken out or it should be sent to the Attorney General for further consideration.

**The Chair (Mr. Grant Crack):** Okay. Thank you very much.

**Mr. Paul Slansky:** Thank you.

**The Chair (Mr. Grant Crack):** We'll move to Mrs. Martow.

**Mrs. Gila Martow:** Thank you very much for your thorough report and for your presentation. I just wanted to comment that you're not the first person to bring up the search warrants. I think the problem becomes that it's not necessarily just private homes. It's if people are in group homes or people are in foster homes.

Do people who are operating a group home—and I'm not asking the question; I just wanted to make the comment on the record, Somebody who is in a group home, somebody who is in foster care—do their rights of supervision trump the privacy of the homeowner who is

maybe caring for an individual? But thank you very much for coming.

**The Chair (Mr. Grant Crack):** Thank you. Ms. Fife.

**Ms. Catherine Fife:** Thank you. I think that was a very thorough presentation, and I appreciate it.

**The Chair (Mr. Grant Crack):** Thank you. Mr. Colle.

**Mr. Mike Colle:** Thank you, Mr. Galati, and your colleague, whom I've never met before, Mr. Slansky. I wanted to just thank you for the incredible work you did at the Supreme Court on behalf of the people of Canada. A poor lawyer from College Street taking on the Supreme Court—we're very proud of your work in the Italian community. Anyway, I won't flatter you anymore, but—

**Mr. Rocco Galati:** I hope we don't have to take on the Ombudsman.

**Mr. Mike Colle:** It may be a bigger fight than the Supreme Court.

But anyway, you raised some very concerning issues here. We've heard this reference to the power of search. My question to you is, if for some reason there—I think in the legislation it says there is a search warrant that may be issued, and the Ombudsman or his officials could then enter if the search warrant is issued. Would that still essentially violate the basic constitutionality of a person's domain being his castle?

**Mr. Rocco Galati:** Go ahead.

**Mr. Paul Slansky:** Yes is the simple answer to that question.

**Mr. Rocco Galati:** The answer is yes.

**Mr. Paul Slansky:** The Supreme Court of Canada, in a case called Feeney and—it goes back to Hunter and Southam. It goes into great detail as to why the privacy in one's home or residence, including a group home or any place where someone lives, is one of the most—

**Mr. Mike Colle:** It could be a nursing home, for instance.

**Mr. Paul Slansky:** Yes, any place where a person lives, even if it's a shack. There's a case involving someone living in a shack. It's still their residence. It's still their dwelling. You need to meet the rigid constitutional standards of Hunter and Southam to get a warrant, and this provision clearly does not do that.

**Mr. Mike Colle:** Thank you. I think that's a very important thing that you've brought to our attention that we're going to have to take a look at—a very serious issue you have raised.

The second question I had for Mr. Galati is that you talk about the constitutional power of an Auditor General. The Office of the Auditor General at the provincial level or the federal level would certainly be under the auspices of the constitutional legacy going back to the Magna Carta. What about the fact that the municipal Auditor General, like in Ottawa and in Toronto, has been created by a municipal bylaw and not by a specific provincial statute? I'm just wondering whether that sort of clouds the responsibility there.

**Mr. Rocco Galati:** It doesn't cloud it if the power to make the bylaw to elect an Auditor General or an auditor is properly implied or readable into the municipal act that creates the municipalities. If it's not, then it reverts back to the Auditor General for the province. If it is, the municipal councils are elected bodies through provincial legislation, and so their bylaws, in my view, constitutionally, should be able to mimic the provincial and federal Auditor General system and have the same constitutional provisions.

**The Chair (Mr. Grant Crack):** Thank you, both gentlemen, for coming and appearing before committee this afternoon.

Before we bring up the next presenter, Ms. Fife wanted to bring to our attention the taking of photos. I want to just make it clear what the Speaker's ruling was on November 19, and I'll just paraphrase it. It is never permissible for pictures to be taken from your BlackBerry or other devices in the chamber or in committee. That applies to members. There has been no mention to date of pictures in committees taken by press, for example, or any other groups or organizations—

**Mrs. Gila Martow:** What about members' staff?

**The Chair (Mr. Grant Crack):** I would consider that, as Chair, members.

**Mrs. Gila Martow:** Okay.

**The Chair (Mr. Grant Crack):** If the committee would like to have a short discussion on what they would like to see—

**Ms. Catherine Fife:** So just to clarify, based on the Speaker's ruling and based on precedent, if the Ombudsman would like to tape today's delegation, he is entitled to do so.

**The Chair (Mr. Grant Crack):** Well, I'm going to ask the committee for a consensus on this.

**Ms. Catherine Fife:** If precedent has already happened in this committee, I think that precedent has been set, and we should follow due process.

1730

**The Chair (Mr. Grant Crack):** Any other discussion? It's going to be a short discussion. Ms. Hoggarth.

**Ms. Ann Hoggarth:** Well, I just know that there are other places where that kind of thing is not allowed, and it has to do with—although our names are listed as committee members, putting it out in a news presentation or something like that is, by far, quite different than listing names.

**The Chair (Mr. Grant Crack):** Okay. Well, thank you very much. I'm just going to—

**Mrs. Gila Martow:** Just a comment?

**The Chair (Mr. Grant Crack):** A short one.

**Mrs. Gila Martow:** I would just say that I would want to know. That's all. I wouldn't want certain duplicity, if somebody was taking pictures or a video. As long as I knew, I would be okay with it.

**The Chair (Mr. Grant Crack):** Okay. I have mulled this over in my brain recently. What we will do today is, because the precedent has been set, if there are pictures taken today, we'll allow that, but again, I want to

reiterate: not by members or by staff in the committee unless I can get a ruling from the Speaker at a future date.

#### OMBUDSMAN OF ONTARIO

**The Chair (Mr. Grant Crack):** At this time, we will call upon the Ombudsman of Ontario, Mr. André Marin. Bienvenue. Welcome. You have five minutes, sir.

**Mr. André Marin:** The first Ombudsman of Ontario used to appear before committees of the Legislature and start off by saying, “My dear fellow Ombudsmen,” because he viewed the role of MPPs as being very similar to the one of the Ombudsman. After following the depositions before this committee, I think it’s funny that citizens of Ontario have never confused our roles. We don’t duplicate our roles; we complement our roles, and that’s what Bill 8 is really about.

This is a bill that we’ve advocating for 39 years, since 1975. I’d like to thank the government for this initiative, for listening to us during the preparation of this bill; and in particular former Government Services Minister John Milloy, Treasury Board Minister Deb Matthews and the Premier; but as well, the Progressive Conservative Party and the NDP. It’s been a very non-partisan approach. I know at the end of the day there will be different votes for different reasons, but I know and I feel a lot of support by parliamentarians, and I would like to sincerely thank you for that.

I’m not here to advocate for any changes to the legislation. I know that historically, we’ve been on the record for the whole of MUSH. But I’m not making any suggestions for amendments for two reasons. First of all, the government ran on Bill 179, won the election and reintroduced Bill 8, so I respect the vote of citizens, I respect democracy and I’m happy to leave it in the hands of parliamentarians as the bill proceeds.

The second reason is that municipalities, universities and school boards represent 444 municipalities and their respective councils, 83 school boards and 22 universities, so you’re basically adding 549 bodies to the already 500 or so that we oversee. This area, being the MUS sector, represents \$30 billion of the provincial treasury total of \$126 billion—so \$26 billion that’s handed out to the MUS sector.

Finally, we will be overseeing this area. It’s a large area, but we’re up to the task. Should this honourable committee decide to further the bill, we’d obviously be happy to accept that additional responsibility.

I think one of the first points to note about Bill 8 is that the bill does not propose to impose one iota more of oversight than that which the province has operated with for the last 39 years. You’ve heard these submissions—doomsday scenarios, all types of things, the last one being that it will run afoul of the Charter of Rights and Freedoms and Canada’s Constitution. You’ve heard the themes of all types of confusion being spread by the bill, calamity, literally alienate and destroy other offices, spread chaos, shock our international partners. All this has been in your submissions.

We don’t need to be alarmist and come to alarmist conjecture because we look at the track record of the Ontario Ombudsman in the last 39 years. We’ve helped save babies and children from death by prompting modern approaches to newborn screening and daycare reform in Ontario. Our work has led to crackdowns in lottery fraud and illegally operating colleges. We have led the charge on strengthening police oversight and cracking down on illegal assaults in our jail system. Our work in enforcing open meetings has strengthened democracy at the local level. Now, as I speak to you, there are 10 municipalities who record their closed meetings, to allow us to judge and to see whether or not they were meeting illegally or whether it was justified by legislation.

Those are all great things, and that’s 39 years of track record. Far from weakening the social fabric, the Ombudsman of Ontario has been a positive agent of change. Should this bill pass, we will bring the same level of positive change to municipalities, universities and school boards.

I’d like to deal with a couple of the issues that were brought to your attention: the duplication/confusion argument. We are a check and balance on administrative decisions. You’ve heard two Auditors General testify this afternoon. We will not be doing audits of Auditors General. That is a misunderstanding of our function.

The Ombudsman is a barometer, a horsefly, an oilcan and a safety valve. We are the horsefly nipping at the bureaucratic beast, nudging it one way or another. We are the oilcan reducing friction between rulers and the ruled. We are a safety valve to ensure that the citizens’ rights are protected, in the words of a great Canadian scholar, against “being accidentally crushed by the vast juggernaut of the ... administrative machine,” which of course, as you’ve seen, does not make us popular.

Is my time up, almost?

**The Chair (Mr. Grant Crack):** One final comment.

**Mr. André Marin:** One final comment. With respect to the submission of the city of Toronto ombudsman, one brief comment: That office, far from being thriving, is continually under siege. They’ve tried to reduce her term to one year; they’ve tried to refuse her position and merge it with the other accountability officers. The constitution of that office is one of ombudsman lite. It is not able to weather the storm. It is for that reason that it has been always caught in political storms.

I’ll leave it at that, Mr. Chair. Thank you very much for your patience.

**The Chair (Mr. Grant Crack):** Thank you, sir. We’ll pass it to Ms. Fife from the NDP.

**Ms. Catherine Fife:** Thank you for the presentation. In 2012, from your own report, you quote that you received 2,539 complaints from the MUSH sector in general. You also said that Ontario is the only province in Canada that does not have independent oversight over the health care sector—an independent, impartial complaint mechanism for either hospitals or children’s aid societies. This is still the case—

**Mr. André Marin:** It is still the case.

**Ms. Catherine Fife:** —with this bill.

**Mr. André Marin:** Yes. As I've said, at this stage, I'm happy to defer to parliamentarians. The patient ombudsman started off in the initial drafts of the bill as a patient advocate. Through our work, through the back scene, when we were told that giving it to our office was out of the question, we worked to try to at least strengthen that position. But you are correct in that this bill does not change that.

**Ms. Catherine Fife:** Actually, you're correct, because it's still the same. I'm quoting you.

**Mr. André Marin:** Yes.

**Ms. Catherine Fife:** You go on to say how patient relations, or sort of what the Liberal government is proposing, will only add to the frustration.

We've heard some heartbreaking stories. You've heard these stories, especially on children's aid. The provincial advocate is looking for some real power to protect children in this province. It's not reflected in Bill 8, and the health sector has been left out. Why do you think this government refuses to address those two key areas that you have been fighting for, for years now?

**Mr. André Marin:** I was paying attention to the submissions by hospitals during these hearings. This idea that the health sector is so complex that we need a specialized ombudsman—it can't fall within the Ombudsman's office of the province—is contrary to what every other province has done. It's contrary to what's being done in the UK, for example. We deal with extremely complicated issues on a daily basis.

That said, of course, the final position of the Ombudsman's office is not to seek an amendment to the bill, but to support what's there. If it doesn't work, then the option will always be to reabsorb that office within ours.

**Ms. Catherine Fife:** As it stands today, though, you welcome the oversight over the MUS part of MUSH. You're hopeful that perhaps one day, you would actually have oversight over the hospital sector. It's \$52 billion, right? That's a lot of money.

1740

**Mr. André Marin:** If it works the way it is, God bless the government for doing what they're doing. Many people do have concerns because the patient ombudsman reports within the bowel of the bureaucracy, not even to the minister or the Legislative Assembly. If it doesn't work, we will be overseeing that office, and we will not hesitate to blow the whistle if it doesn't go well.

By that same token, we're not here to do anything but support government. That's how we work. We want good governance. So if the patient ombudsman needs training, support, advice or counselling, we'll be there for that office.

**Ms. Catherine Fife:** So this—

**The Chair (Mr. Grant Crack):** Thank you very much—appreciate it. We'll move to the government side: Mr. Baker.

**Mr. Yvan Baker:** Thank you, sir, for all the work you do to ensure accountability in government and oversight in government. I think the work that you do is important.

Our government has made a commitment to be more open and transparent. That was, as you pointed out, something that the Premier campaigned on, that we campaigned on, at the doors during election time. People in Ontario support it.

You've talked about the importance, in your submission, of oversight over the MUSH sector. There are 444 municipalities in our province, and my recollection is that you received about 1,600 complaints from municipalities in 2013, approximately. It speaks to the importance of providing that oversight.

On the issue of the patient ombudsman, we've tried to set that up in a way that is independent: someone who will have his own budget and a very clear mandate; someone who is housed within Health Quality Ontario to ensure that what the patient ombudsman receives in terms of input is, as quickly as possible, acted on in terms of the health care sector; someone who really is focused on those health sector complaints and concerns; and of course, someone who can look at the systemic issues across the health care sector. I think that's the rationale as to where we're coming from on the patient ombudsman.

Could you speak briefly about what the benefits to the taxpayers are of providing greater oversight, expanding your office's role to the MUSH sector?

**Mr. André Marin:** Well, as I indicated earlier, right now, 26% of the provincial treasury is handed over basically as a blank cheque to the municipalities, universities and school boards. That's a lot of money. Other provinces have been way ahead of Ontario.

If you look at universities: allegations of sexual harassment, sexual assaults, not having proper codes in place. School boards: Is there a week that goes by without a scandal coming out of the school boards? So \$9 million is missing, "Oh, well, chump change." No, \$9 million is a lot of money.

If you look at municipalities—allegations of corruption and secret meetings: In 2008 the Municipal Act was changed to allow municipalities to hire and create their own oversight officers. There is no ombudsman in existence in Ontario outside of Toronto, which was forced to have one.

Auditor Generals: There was about eight at one point. As soon as they produced unfavourable reports, they were fired. There's two left: one in Toronto, which has to have one; and one in Ottawa, which chose to have one.

Integrity officers: You've heard the number today. There were 30 of them, and you were told that this is great traction. There are 444 municipalities that could have had an integrity officer since 2008.

The issue of cost, to my mind, is not a burden. You could have municipalities regrouping together and saying, "We'll have an integrity officer to serve these municipalities."

There is no will at the municipal level to be accountable. What this legislation brings is that accountability.

**The Chair (Mr. Grant Crack):** We'll move to Ms. Martow from the opposition.

**Mrs. Gila Martow:** Thanks for your presentation, and nice to meet you in person. I've been following you on

Twitter for a while, as do many people. I can't imagine how one Ombudsman's office can handle what I would expect to be the influx of complaints.

We've heard today about some provinces—I think BC—where any municipality that has over 100,000 residents has its own ombudsman. I'm just wondering what kind of formula you would maybe envision for Ontario where Toronto has an ombudsman and maybe some of the larger urban centres would have their own ombudsman or an integrity commissioner, who is maybe a little bit more accessible to the public. What kind of oversight would you recommend?

**Mr. André Marin:** I agree with all those things. I agree that all the universities should keep their ombudsmen and that the hospitals should keep their patient advocates. We're not going to be there to second-guess decisions of those accountability officers. We're there to look at systemic issues when the system fails.

We oversee the SIU, the Special Investigations Unit. The citizens come and call us when there's a police shooting. We can't underestimate people's intelligence. We oversee the Ontario Energy Board, the OMB, the Assessment Review Board. We respect the authority of those tribunals. Similarly, I would like to see more municipalities go the route of ombudsman, so that if there's an issue with a pothole or a street light, the local ombudsman can deal with that. If there's a more systemic issue that we see is ingrained, that a local ombudsman is unable to address because of constraints on their mandate set by city council, that's when we come in.

Instead of these doomsday scenarios that you've been hearing for the last two days—look at our 39-year history. When were we last judicially reviewed? Everyone who comes forward here and says, "Oh, well, there's an issue"—even the Auditor General of Ontario—they can all judicially review us if they believe we've exceeded our jurisdiction or failed to exercise our jurisdiction. I can tell you that in my last nine and a half years as Ombudsman, we've not been judicially reviewed once.

I see too many examples of putting up a straw man to knock it down, being afraid of your own shadow. Judge us by our track record and by the fact that we get along with government.

Every year, when I release the annual report, I talk about different issues with government, but I always say that we have stellar co-operation. I would expect that to be the same 39 years from now, when we've been working in the MUSH sector, if the legislation is passed.

**The Chair (Mr. Grant Crack):** Thank you very much. I really appreciate you coming before the committee and providing us with your insight.

**Mr. André Marin:** Thank you very much.

**The Chair (Mr. Grant Crack):** I have something to ask the committee. There was an issue with a request to appear before the committee that got caught on the assembly firewall. It would have been a delegation that would have made it onto the schedule today. The gentleman from the Eastern Ontario Wardens' Caucus is here.

We do have time. I'm just asking the committee if you would like to proceed.

*Interjections.*

**The Chair (Mr. Grant Crack):** Okay.

#### EASTERN ONTARIO WARDENS' CAUCUS

**The Chair (Mr. Grant Crack):** We have Mr. Jim Pine with us, from the Eastern Ontario Wardens' Caucus.

We apologize for how things have unfolded, but it's great to have you here. You have five minutes. We'll have to stop right at 6, so there will probably be two minutes of questioning by each party. Welcome. The floor is yours.

**Mr. Jim Pine:** Thank you very much, Mr. Chairman. I appreciate the opportunity. My name is Jim Pine. I'm here representing the Eastern Ontario Wardens' Caucus. I'm the chief administrative officer for the county of Hastings.

The EOWC is an amalgam of 11 counties in eastern Ontario and two single-tier municipalities. About 750,000 people live in the municipalities that we're involved with.

The caucus has made a written submission. I won't go through it all, but I'll just, because of the time, pick a couple of the points out of it.

First, what the caucus wanted to be made clear in the submission was that they agree wholeheartedly with the principles of transparency, accountability and openness in government. They fully support and endorse those things for all governments, whether local, provincial or federal, because those are the pillars upon which public confidence in government is built. We need those things to be in place.

While there will always be a need for some confidentiality in a limited number of circumstances, like those enunciated in the legislation, that affect our order of government, including the Municipal Act, we understand that representing the people in our communities must be conducted upon those principles as I've just outlined.

We represent many small municipalities across eastern Ontario. We have a couple of concerns. One is the issue of what some have called super-oversight and that we call double oversight, in terms of the way we see the bill written today. We're a bit concerned about that. We think, as others have said, there will be confusion and uncertainty if there isn't clarity brought to this piece of legislation. So we would urge the committee to take a careful look at the bill and ensure that where there is already a municipal ombudsman in place, who has the authority to investigate the complaints in the powers given to them—that that authority be respected and dealt with in that manner.

We also would like to ask for your support in considering the ability to appoint an ombudsman for multiple municipalities. Right now, we do that when it comes to closed-meeting investigators, and it works very well. Communities are able to support that kind of arrangement, and we think that this is another good opportunity

to extend that principle to the hiring of an ombudsman for a group of municipalities. So, again, we ask you to give that consideration.

**1750**

Let me just say, having sat here for a couple of hours and listening to the presentations that were made, I found them incredibly thoughtful, very well crafted and with a lot of good suggestions. I particularly enjoyed the Provincial Auditor's submission. I thought she made some very interesting points and some good ones there.

We appreciate the opportunity to come and make this presentation. The EOWC is firmly on the side of transparency and accountability. I've been in the business 33 years, 25 of it as a chief administrative officer, and I believe that's the way we operate on a regular basis, but if we can improve on that, we're certainly up for it. Thank you for the opportunity.

**The Chair (Mr. Grant Crack):** Thank you very much, Mr. Pine. We'll start with the government: Ms. Hoggarth.

**Ms. Ann Hoggarth:** Good evening. Thank you very much for coming. You said that you're very concerned with the provisions in Bill 8 that would create a patient ombudsman who would have oversight responsibilities in long-term-care homes.

**Mr. Jim Pine:** That's correct.

**Ms. Ann Hoggarth:** We've had a lot of people present here who feel quite the opposite. However, there was some concern about the fact that this person might not be completely unbiased because they are paid by the government, which, let's be honest, all ombudsmen are. Right?

**Mr. Jim Pine:** Sure.

**Ms. Ann Hoggarth:** Furthermore, the Ontario Ombudsman has oversight of all agencies, including Health Quality Ontario. Therefore, he or she would still oversee the office of the patient ombudsman. Is that not true?

**Mr. Jim Pine:** Yes, that's true. I guess where our concern comes from—in the statutes that we live by in long-term care, there are very specific complaints processes that need to be followed. The Ministry of Health is very involved in ensuring that kind of process is in place. Residents can make those complaints or anybody can make those complaints. There's a very structured process to go through, and we're quite comfortable with that as operators of long-term-care facilities.

We're concerned, as the operator, with: Who are we now going to be accountable to? Is it the Ombudsman or is it the existing Ministry of Health through their process? We've got a very well-structured process now, and it works quite well. We need some clarity, I guess, is our concern around what the role of the Ombudsman is going to be. Does the Ombudsman investigate before the Ministry of Health has its chance to review things or before we do our processes? When we look at it, we're saying, from an operator's point of view: Can you provide some clarity to that, and is it necessary?

**Ms. Ann Hoggarth:** I think the Ombudsman made it very clear that if there are investigative processes in place

and he believes they have been followed, then there would not be necessarily further investigation. Thank you.

**Mr. Jim Pine:** Thank you.

**The Chair (Mr. Grant Crack):** Ms. Martow from the opposition.

**Mrs. Gila Martow:** I guess what I would want to know is what model you would see in terms of integrity commissioners, ethics officers in municipalities and ombudsmen from municipalities. An ombudsman maybe could move around and cover a certain region even, but I think it's quite a big mandate to expect the present Ombudsman to all of a sudden take over all these large urban centres. There's a lot of people with a lot of complaints, and if they just had somebody to complain to, they would do it.

**Mr. Jim Pine:** Sure. I think if you use the example that exists now in terms of closed-meeting investigators, it works very well. Our county, for instance, retains the services of a closed-meeting investigator on behalf of 14 municipalities, and that is quite common across our region, given the scope and size of some of these municipalities. What we're saying is, that's a model that works. Would you please consider allowing that kind of arrangement to work if we are going to have an ombudsman oversee our operations?

**The Chair (Mr. Grant Crack):** Thank you very much. Ms. Fife.

**Ms. Catherine Fife:** Thank you very much for coming in this evening. I have to say, I'm a little surprised. We haven't had too many people come in and say that they're not supportive of a patient ombudsman. There are people who have come and said, "We need provincial Ombudsman oversight over health care," because the concern is, having a patient ombudsman is that that person's hired by the government, accountable to the government and that if, in particular, they're in a long-term-care circumstance, for instance, there's the fear of reprisal if they truly try to advocate against their own employer. Do you not see any need for some kind of oversight to protect patients, particularly in long-term-care facilities?

**Mr. Jim Pine:** We classify folks who are living in our long-term-care homes as residents, and that's how we treat them. There's a very rigorous complaint and review process already existing. All we're asking is, is it necessary to perhaps duplicate, if there's duplication? We haven't taken our submissions through solicitors, so we're basing our interpretation on how we read it. If there's some clarity, that would be helpful. Our number one concern is always about the resident, and we work very hard to satisfy all of those complaints whenever they come in. We have a very strong track record.

**Ms. Catherine Fife:** I appreciate the fact that you provide quality care and that you regard the folks in your care as residents and not as clients or what have you. But Bill 8 would prevent a patient ombudsman from going to a for-profit retirement home, for instance. That's a huge concern, because there are, obviously, many cases across the province where we've heard of instances of abuse.

I just want to give you the last word here. Do you think there is a need, a provincial need—maybe not particularly in your home—for a true advocate, an empowered advocate for those people who are living in very vulnerable conditions, sometimes in long-term-care facilities?

**Mr. Jim Pine:** I guess anything that we can do to further give people security is a good thing. Just help us understand how that might work. In our municipal homes, as I say, the resident is number one and always will be.

**Ms. Catherine Fife:** Sure. Thank you very much for coming today.

**The Chair (Mr. Grant Crack):** Thank you very much, Mr. Pine. I was glad to be able to fit you in. Thank you for coming before committee.

Thank you very much, everyone.

**Ms. Catherine Fife:** Chair?

**The Chair (Mr. Grant Crack):** Ms. Fife.

**Ms. Catherine Fife:** Next Wednesday we are going to be going to clause-by-clause. I have this scheduled until

midnight. Is this an accurate calendar item in my BlackBerry?

**The Chair (Mr. Grant Crack):** Yes, it is. It's part of the order from the House.

**Ms. Catherine Fife:** And the deadline for amendments is tomorrow at noon, is it not?

**The Chair (Mr. Grant Crack):** For filing amendments to the Clerk of the Committee, it shall be 3 p.m. on Thursday, November 27, 2014.

**Ms. Catherine Fife:** So I guess this also depends on how many amendments we—

**The Chair (Mr. Grant Crack):** That is correct.

**Ms. Catherine Fife:** Thank you very much for that.

**Mr. Mike Colle:** It could be another 400, like we did last time.

**Ms. Catherine Fife:** Well, I don't know why you bring forward legislation that needs so many amendments.

*Interjections.*

**The Chair (Mr. Grant Crack):** Thank you very much, everyone. This meeting is adjourned.

*The committee adjourned at 1757.*



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## CONTENTS

Wednesday 26 November 2014

Public Sector and MPP Accountability and Transparency Act, 2014, Bill 8, Ms. Matthews / Loi de 2014 sur la responsabilisation et la transparence du secteur public et des députés, projet de loi 8, Mme Matthews .....	G-213
Ms. Maria K. Daskalos; Mr. Joe Colangelo .....	G-213
Municipal Integrity Commissioners of Ontario .....	G-215
Mr. Greg Levine	
Mr. Harold Elston	
City of Toronto.....	G-217
Ms. Shelley Carroll	
Ontario Public School Boards' Association.....	G-220
Mr. Michael Barrett	
Ontario Coalition for Accountability .....	G-222
Mr. Neil Haskett	
Office of the Provincial Advocate for Children and Youth .....	G-225
Mr. Irwin Elman	
Mr. Andrew Sancton .....	G-227
Ms. Jennifer DaRosa .....	G-230
Ms. Aparna Sanwalka .....	G-232
Association of Municipalities of Ontario .....	G-234
Mr. Gary McNamara	
Ms. Pat Vanini	
Electricity Distributors Association .....	G-236
Mr. Jim Hogan	
Ontario Council of Hospital Unions.....	G-238
Mr. Michael Hurley	
Office of the Auditor General, City of Ottawa.....	G-240
Mr. Ken Hughes	
Office of the Auditor General of Ontario.....	G-242
Ms. Bonnie Lysyk	
Constitutional Rights Centre Inc. ....	G-245
Mr. Rocco Galati	
Mr. Paul Slansky	
Ombudsman of Ontario.....	G-247
Mr. André Marin	
Eastern Ontario Wardens' Caucus .....	G-249
Mr. Jim Pine	