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**Official Report
of Debates
(Hansard)**

Tuesday 7 June 2016

**Journal
des débats
(Hansard)**

Mardi 7 juin 2016

**Standing Committee on
Government Agencies**

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**Comité permanent des
organismes gouvernementaux**

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Tuesday 7 June 2016

Mardi 7 juin 2016

The committee met at 0904 in committee room 2.

The Chair (Mrs. Cristina Martins): Good morning, everyone. Welcome to this morning's Standing Committee on Government Agencies. We do have a subcommittee report that we will be reviewing at the end of concurrences today.

We're going to start right away and move on to the appointments that we have here today. We have two intended appointees to hear from, and we will be considering the concurrences following the interviews.

INTENDED APPOINTMENTS

DR. ANDREA GEDDES POOLE

Review of intended appointment, selected by third party: Andrea Geddes Poole, intended appointee as member, Consent and Capacity Board.

The Chair (Mrs. Cristina Martins): Our first intended appointee today is Andrea Geddes Poole, who is being nominated as member, Consent and Capacity Board.

I'm going to ask Ms. Andrea Geddes Poole to please step forward and take a seat at the table. I want to welcome you here today. You may begin with a brief statement if you wish. Members of each party will then have 10 minutes to ask you questions. Any time used for your statement will be deducted from the government's time for questions. Questioning, when that time does come up, will begin with the official opposition.

Ms. Geddes Poole, you may start.

Dr. Andrea Geddes Poole: Good morning, Madam Chairman, members of the standing committee. I very much appreciate the opportunity to appear before you regarding my candidacy as a public member of the Consent and Capacity Board. I believe I can bring to the board a breadth of experience acquired both in my professional career and from my work as a volunteer with a number of different charities.

I currently serve as the executive director of the Bhutan Canada Foundation, a not-for-profit NGO based in Toronto that sends Canadian teachers of English, science and maths to public schools in remote regions of the Himalayan kingdom of Bhutan. Prior to that, I was a professor of modern history at Trent University for seven years, and there, I taught a variety of courses to all levels of undergraduates subsequent to my receiving my PhD from the University of Toronto in 2004.

I came to graduate school, however, as an experienced lawyer. I earned my first law degree from Oxford University, and I also hold an LLM from NYU. My practice was centred in New York City, where I worked as a litigation associate with two law firms: Hughes Hubbard and Reed, where I had a general commercial practice mainly focused on antitrust and toxic tort; and subsequently with the firm of Fried, Frank, Harris, Shriver and Jacobson, where my litigation practice was based more on securities-related transactions. During this period, I learned the importance of clarity when interpreting legislation, parsing administrative regulations and distinguishing applicable rulings.

During this time, I also served as a pro bono lawyer with the Lawyers' Committee for Human Rights, which had just been established when I was called to the bar. With the Lawyers' Committee, I helped establish our lawyer-to-lawyer network, which paired lawyers practising in countries where their human rights or freedom-of-speech practice put them in peril of arbitrary detention or worse, with buddy lawyers in Europe and North America. I also defended a number of refugee claimants in exclusion and asylum proceedings.

No one would claim that I have a linear career path, and yet I believe this diversity of background, encountering many different forms of experience and challenge, is actually a strength and an asset that I can bring to the Consent and Capacity Board.

I believe, however, that my volunteer experience with the mental health community also provides me with a certain degree of familiarity with the work of the board. When I was a student at Oxford, I worked with the Samaritans suicide hotline, where part of the training is designed to help front-line volunteers distinguish between different varieties and degrees of mental despair.

When I was a young lawyer in New York, I also volunteered with the Mental Health Association of New York City, advising families mainly on the state of the law as it pertained to involuntary committal, the "danger to themselves or others" criterion, and the rights of persons apparently suffering from a mental disorder.

As the members of the standing committee can also see from my curriculum vitae, I have volunteer experience beyond the mental health community, having also worked as a front-line receptionist at the Daily Bread Food Bank and as a member of various boards of directors. I believe that this varied experience points to a

broad set of interests, a certain degree of adaptability, an ability to work well with others on boards and committees, and a willingness to learn new skills and take on new challenges.

I would say, however, that I also have the personal experience of shepherding my father through 10 years of the different stages of the diminishing capacity that comes with progressive dementia. This, I feel, just as much as any of my professional or volunteer experience, has prepared me also to contribute to the Consent and Capacity Board.

To gain a better understanding of the Consent and Capacity Board's mandate and practice, I have reviewed the governing legislation, the Health Care Consent Act of 1996; and I attended two panels assembled by the board.

0910

Finally, I would also like to say that I truly believe that public service is both a privilege and an obligation that I would be honoured to discharge.

I would welcome any questions that the committee would like to put before me.

The Chair (Mrs. Cristina Martins): Thank you very much. We are now going to begin questioning with the official opposition. Mr. Pettapiece?

Mr. Randy Pettapiece: Good morning. I have a list of questions here and you pretty well answered most of them, so I do appreciate that. You seem to be very well prepared in your statement and certainly well prepared in understanding what this board does.

Have you ever sat on a government committee before?

Dr. Andrea Geddes Poole: No, I have not.

Mr. Randy Pettapiece: And you haven't practised law in Ontario? Is that correct?

Dr. Andrea Geddes Poole: That is also correct.

Mr. Randy Pettapiece: I understand that the hearing panels are made up of a lawyer, a psychiatrist and a community member. Which type of member are you being appointed as?

Dr. Andrea Geddes Poole: As a public member.

Mr. Randy Pettapiece: A public member, a community member?

Dr. Andrea Geddes Poole: Yes, exactly.

Mr. Randy Pettapiece: Do you consider yourself well enough versed in Ontario's laws, which govern and are implemented by this board?

Dr. Andrea Geddes Poole: I have two responses to that. First of all, I believe that, as a lawyer, I'm actually able, probably as well as any community member, to read and understand the legislation and look at the regs and the rules that govern it, but I also understand that the CCB is very good at training its public members.

Finally, I do understand that the role of the community member is not necessarily to try to play psychiatrist or play lawyer. The lawyers and the psychiatrists on the panel do that pretty well. I think that the role of the community member is to represent, in a sense, the public. I feel really capable of being able to do that. I think my ability to actually read legislation is sort of a bonus.

Mr. Randy Pettapiece: I'm sure it is.

You also spoke about caring for your father. My parents are certainly in the same group as yours, although dementia isn't an issue with them. But they're 90 years old, and it's getting to be quite an age.

The board doesn't have any jurisdiction to settle disputes over elder care. Do you think that is something that requires a change in the board, that maybe that should be coming? The reason I ask that is, as a demographic, we are all living longer, and there may be some times when a board such as this might play a part with the elderly. I just wondered if that's something you had looked at.

Dr. Andrea Geddes Poole: I think that's an interesting question. What I would do would be to stick a pin in that question until I had actually served on the board for a while and had more of a sense of what their current workload is, in the sense of what the backlog is currently and how pressed they are to deal with the current issues before them, before really looking at whether it would make sense to recommend that they expand. I suspect that reviewing their mandate is something that a board of this kind would do on a fairly regular basis.

Mr. Randy Pettapiece: Certainly, when those lay-people come before the board, there can be an adversarial process involved. From your knowledge of the board, do you have any ideas on how you can make the hearing process less adversarial?

Dr. Andrea Geddes Poole: I have found, actually, in my experience in any committee or any volunteer board on which I've sat, that making elements less adversarial and making proceedings more civil very often hinges on listening to people with a great deal of respect, and letting them have their say and attending. I would say that that would likely be the best way of proceeding. That's, in a sense, almost good manners.

Mr. Randy Pettapiece: From what I understand, the board has posted a deficit, and the caseload has increased over the years, certainly. I think that gets back to the way our population is changing.

There needs to be some improvement to the financial stability and quality of service, I believe. Have you looked at any of those things? Have you studied anything that would help out with the financial stability and quality of service?

Dr. Andrea Geddes Poole: I have not studied the financial aspects of the board at all at this point, but I understand that that's something that is an ongoing concern, and I would imagine that it would be something that members would be involved in at least scrutinizing.

But no, to this point, I have not looked at the finances.

Mr. Randy Pettapiece: Thank you, Chair.

The Chair (Mrs. Cristina Martins): Are those all of your questions? Mr. Bailey?

Mr. Robert Bailey: No, I'm good.

The Chair (Mrs. Cristina Martins): Okay, very good. Let me just reset the clock here, Mr. Gates, so we get you all the right time. We're going to go on to Mr. Gates now. Thank you so much.

Mr. Wayne Gates: Thank you. What contribution would the witness like to make to the work of the board?

Dr. Andrea Geddes Poole: In the sense of—

Mr. Wayne Gates: Your contribution—why would you want to get on this board? What would you like to do to improve it?

Dr. Andrea Geddes Poole: I have spent a good deal of my volunteer experience working with the mental health community. I find the work of this board uniquely important. But I would also like to point out that one of the reasons why I think this board is important is that it wields a great deal of authority. I'm of the opinion that one impinges on citizens' rights and the quiet enjoyment of their liberties with a great deal of second thought.

As an historian, I can point to a handful of cases from the 20th and 19th centuries where people were held involuntarily on the strength of one or two psychiatrists. I think that the way this particular committee and board is set up is tremendously important. I think that as a community member, one of the things that I can bring is a sense of perspective on the importance of this board and also the importance of individual liberties.

Mr. Wayne Gates: You touched on an issue that's extremely important with mental health. We're seeing now that 20% of society does have some form of mental health issues; equally concerning to me is the number of young people. So we certainly have to put more resources into mental health, rather than having what's going on today. It's a big concern.

I just have a couple of more questions. Having served on the leadership campaign of our current Premier, as well as the campaign team of the current mayor of Toronto, it's quite clear that you have some strong ties to particular political parties and other elected officials. Since you are now being appointed as a member of a non-partisan board, are you prepared to ensure that all of your actions as a member of the board are similarly non-partisan?

Dr. Andrea Geddes Poole: Without question.

Mr. Wayne Gates: I was hoping for a longer answer. I've got 10 minutes here. I didn't have a lot of questions. What are you doing to me?

The Chair (Mrs. Cristina Martins): Seven minutes.

Mr. Wayne Gates: It's fine. I'm good.

Interjection.

Mr. Wayne Gates: I wrote that down too, so I'll be checking up on that as we go forward.

Since 2008, the Consent and Capacity Board has seen a 53% increase in applications, as well as a 73% increase in the number of hearings conducted. However, during that same period, the budget for the board has stayed at pre-2006 levels, leading to a deficit of \$1.33 million in 2014-15.

Do you have any plans or ideas, beyond simple cost-cutting measures, of how the board could eliminate the deficit?

Dr. Andrea Geddes Poole: I wish I did. I don't at this stage, but I would certainly be open to looking at the different expenses of the board.

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In a sense, I currently don't feel that I have sufficient information to come up with that, but I would hope that after a year or two, I would have sufficient perspective and understanding of the board that I might be able to proffer helpful suggestions to our chair.

Mr. Wayne Gates: Having said that, you applied for the board, obviously because, from your resumé, you like to volunteer; you like to do some stuff. Did you know that they had a \$1.33-million deficit in 2014-15?

Dr. Andrea Geddes Poole: At the time I applied, no, I was not aware of that, and that did not actually form part of my application.

Mr. Wayne Gates: But it becomes concerning when you know that. You've been around a long time. You're going to a board that's already in severe deficit and has some real challenges.

The last part of that question, which I think is equally as important: Does the board require more funding from the provincial government? This is a very important board that you're applying for.

Dr. Andrea Geddes Poole: I agree.

Mr. Wayne Gates: I think it's very important for the province of Ontario to make sure that it's funded properly. Do you think that maybe the provincial government should take a serious look at this, get rid of the deficit and give them more funding?

Dr. Andrea Geddes Poole: Again, that goes a bit beyond my mandate as a community member. But I would simply say as a citizen of the province of Ontario that, yes, we have established that this is an important board. Yes, it appears to be in deficit. I would imagine that there should be scrutiny of how you can balance the needs of the citizens of the province of Ontario—which do not seem to be diminishing—regarding mental health concerns.

Mr. Wayne Gates: Mental health is a huge challenge. Thanks very much.

The Chair (Mrs. Cristina Martins): We're now going to go to questioning from the government side. You have four minutes and 46 seconds left. We're going to start with Mrs. McGarry.

Mrs. Kathryn McGarry: Thank you very much for coming this morning.

The Consent and Capacity Board is something I worked with very closely. I was a care coordinator for a CCAC and a critical care nurse in the emerg and intensive care unit, so I had many clients that were coming in, patients that were coming in, under a form 1, which is involuntary admission. Many of those folks came in in crisis and did not want to be involuntarily admitted to the hospital. Under the form, there were 72 hours where they would have to have a psychiatrist examine them and then decide whether that form should stand or not.

In saying that, it was something that I was very aware of, with the legislation, and we often did give the information—well, we always gave the information—about the Consent and Capacity Board. Often the patient

was not able to take advantage of it at that particular time.

The other place where I used the Consent and Capacity Board fairly often was in my role as a care coordinator when I was counselling for long-term-care admission. Patients who were looking at trying to make some of those decisions as to where their living arrangements were going to be in the future absolutely had to have capacity established prior to being able to sign some of the forms to do that.

Where it got tricky was if a patient was just on that edge of not quite capable, but not quite incapable yet, and families would step forward and take out a power of attorney for personal care. If there was just one particular family member with a power of attorney to assist the incapacitated patient in making the decisions, that was one thing. But where it got quite tricky was when you had maybe five or six siblings who all had to agree. You'd have one who had decided that Mom was perfectly capable and her wish not to leave her home should be adhered to, even though Mom was truly not capable of living alone. Then the other siblings disagreed, and there would often be very difficult meetings, often with the patient in tears and a lot of stress and family issues around that. At that point, we would turn it over to the Consent and Capacity Board.

I note in your CV that not only were you a lawyer dealing with human rights, but you've also been a long-term volunteer for those suffering from mental health issues, which I think is a good combination in terms of serving on this board. Can you tell me how all of that experience that you've had prepares you to be an effective member of the Consent and Capacity Board?

Dr. Andrea Geddes Poole: I would say that very likely the most important lesson I have learned from my years of volunteering with people in mental distress is that they need to be looked at as individuals who have found themselves in a spot of trouble and that these are individuals with rights that you need to take quite seriously, and balance that with an obligation to take care of the vulnerable. That can be a very tricky balancing act at times.

I think that the one thing that I've learned from my years volunteering with this community is that you have to be very respectful of not only the people who are in stress but also their families, who, almost certainly, mean only the best for their child, sibling or parent.

The Chair (Mrs. Cristina Martins): You have about 30 seconds left.

Mrs. Kathryn McGarry: Okay. In that capacity, do you feel that you have all that you need to be able to make some of those decisions and to work with the families in a caring manner?

Dr. Andrea Geddes Poole: I would hope that I would.

Mrs. Kathryn McGarry: Thank you very much.

The Chair (Mrs. Cristina Martins): Thank you very much, Ms. Andrea Geddes Poole. We will do the voting at the end of the next presentation.

Dr. Andrea Geddes Poole: Thank you.

MR. PAUL DeVILLERS

Review of intended appointment, selected by third party: Paul DeVillers, nominated as member and vice-chair, Consent and Capacity Board.

The Chair (Mrs. Cristina Martins): Our next intended appointee today is Mr. Paul Joseph DeVillers, who is being nominated as a member of the Consent and Capacity Board. Please come forward. Thank you for being here today.

You may begin with a brief statement, if you wish. Members of each party will then have 10 minutes to ask you questions. Any time used for your statement will be deducted from the government's time for questions. When questioning does begin, we will begin with the third party. Welcome to committee. You may begin.

Mr. Paul DeVillers: Thank you, Madam Chair and committee members. I last appeared before this committee in March 2006. That was when I was first appointed as a part-time lawyer member to the CCB.

My background prior to that was that I grew up in the town of Penetanguishene, which is famous—or infamous—for the health care facilities that are located in that place. As a summer student, I worked at the mental health centre in Penetanguishene—Oak Ridge, as it was called then—so I got some exposure to the mental health system as a student.

I attended the University of Ottawa and obtained my law degree and practised for a year in Ottawa before returning home, and practised law there for 20 years. During that time, I did represent patients before the—it was called the review board at that time, because it was before the separation of the CCB and the Ontario Review Board. So I had, again, experience with the system.

After 22 years of practising law, I was elected the member of Parliament for Simcoe North and spent 12 and a quarter years as a member of Parliament, dealing with constituents. Frequently there were mental health issues that came to pass in the course of my constituency work.

While in the Parliament of Canada I chaired several committees, including the Standing Committee on Justice and Human Rights.

0930

In the last Chrétien cabinet I was appointed as secretary of state. I was a three-headed monster, as I used to call myself. I was the Secretary of State for sport, which was in heritage; I was the Secretary of State for physical activity, which was in health; and I was the deputy House leader. That was the background.

Then in 2006, I chose not to run. I had a lot of help in that decision from my wife, but we had decided that enough was enough. We know the vigour and price that family life pays on representing people the way you folks do here as well. In 2006, I was still a very young man and I thought that I should find something to engage my time. We had a three-year-old grandson that I am father to—

his biological father is not on the scene, so that was going to require a lot of my time, and I focused on that a lot.

But I did apply to be appointed to the Ontario Review Board, because that's the one I knew, but at the time I was told that there were no vacancies at the ORB, so they offered, "Why not try the CCB?" Frankly, I'd never heard of it at that point. I was more familiar with the ORB.

I've spent the last 10 years doing the ORB work. In the beginning I would do maybe four or five hearings a month, and that was just the amount of work I was looking for at that point in time. It was originally a three-year appointment, and I was reappointed for five years and then another two years, to give a total of 10 years. In the latter part—in the last three or four years—as you're aware, the workload at the board has just about doubled and the members have not doubled. So there are a lot more hearings and I would guesstimate that I presided over, I'd say, 200 to 250 hearings last year.

Now, a lot of those are mandatory reviews for community treatment orders. They're uncontested, done by teleconference and you can do four or five in a day with a panel. So it wasn't 250 full-blown hearings, but the workload is quite staggering for those of us who are able to accept when the call comes.

In the Ottawa region there are no pre-bookings, so you're called the day before the hearing. With the legislation, from the time the application is received, it has to be heard within seven days. That doesn't give the schedulers at the board a lot of time, so they need to be calling people that are going to say, "Yes, I'm available. I'll be there tomorrow." That's the position I'm in. I can say yes more frequently than I have to say no, so that's why I think I'm out there so much.

Presently, I made application to be appointed as vice-chair to assist the chair. On the application I remember that one of the questions was, "What are you going to do as the vice-chair?" I said, "I'm going to do what the chair asks of me. That's what a vice-chair does." That's what I'm hoping to do. Obviously, from my background, I hope to be able to assist the chair in a number of ways.

Currently, as a senior lawyer member—that's a designation that the chair makes with any lawyer who has at least two years' experience on the board. As a senior lawyer, I now am involved in the performance evaluation program. I do evaluation of other members. I'm involved in many other working groups, such as organizing the annual educational session that we have at the board every year in October. I'm on that committee organizing. I'm doing some of, I would think, what would be the role of the vice-chair currently.

Un de mes atouts est que je suis bilingue. Je suis capable de présider les audiences en français. Je dirais qu'il y a à peu près six à huit audiences chaque année que je préside dans la langue française.

That's something that is lacking on the board. There are not a lot of bilingual or French-speaking members. A lot of the board directors have other languages as well, where interpretation is required. But to serve the Ontario

francophone community, they have a right to request a hearing in French and the board should be able to fulfil that.

Madam Chair, I'm prepared to take questions at any time now.

The Chair (Mrs. Cristina Martins): Perfect. Thank you very much. Merci bien d'être ici aujourd'hui.

We are now going to begin questioning with the third party. Mr. Gates, you have 10 minutes.

Mr. Wayne Gates: Thanks very much. I agree with you that you should have the opportunity to have your hearing heard in French, so I'm glad that you can speak French.

Before I get into my formal questions—family is important to everybody around the room. What I've found that really balances my job up here is that I find that if you have a happy wife, you usually have a happy life. I just thought I'd throw that out.

Mr. Paul DeVillers: I'm working on that.

Mr. Wayne Gates: I just thought I'd throw that out. It sounds like you made the right decision on that issue.

Mr. Paul DeVillers: I've been working on it for 47 years. I don't have it down yet.

Mr. Wayne Gates: That's very good. Congratulations. It's not easy.

I've got a few questions here. Having served as a Liberal MP—congratulations on that—for the riding of Simcoe North, it is quite clear that you have strong ties to a particular political party and maybe other elected officials. Since you're now being appointed as vice-chair of a non-partisan board, are you prepared to ensure that all your actions as a member of that board are similarly non-partisan?

Mr. Paul DeVillers: Yes. That's precisely what I've been doing for the last 10 years. I've had no political activity. It's not permitted. I do have to point out that during that period of 10 years, I did take a leave from the board. Through the Conflict of Interest Commissioner, I got permission and I returned and I did the caucus liaison during the last eight months that Stéphane Dion was the leader of the official opposition in Ottawa. But that was done through the Conflict of Interest Commissioner. In fact, even when Mr. Dion was no longer the leader and the new leader didn't appreciate some of my skills, shall we say, and I was replaced, I still had to sit out until the next due date for my appointment to be reappointed. That was a condition that the Conflict of Interest Commissioner put on it.

So I understand fully the requirement to be non-political, and I think I've done that according to the rules for the last 10 years and pledge to continue to do that.

Mr. Wayne Gates: Thank you very much. I asked this question earlier this morning, but seeing that you're both trying to get onto the same board, it's a fair, reasonable question to ask the two of you. Since 2008, the Consent and Capacity Board has seen a 53% increase in applications as well as a 73% increase in the number of hearings being conducted. However, during that same period, the budget for the board has stayed at pre-2006

levels, leading to a deficit of \$1.33 million in 2014-15. If this trend continues, will the board continue to be able to function properly, given its serious lack of cash?

Mr. Paul DeVillers: It's not my role to come here and suggest to the legislators how they should spend the taxpayers' money. I can say that one of the tasks I hope I can assist the chair with is negotiating the process to make sure that the board is sufficiently funded, but as I say, it's up to the legislators to make those decisions, given the input that will be received from all sources. But obviously, if a board is underfunded, given the increase in the workload, something is going to have to give.

The Chair (Mrs. Cristina Martins): You have six minutes, Mr. Gates.

Mr. Wayne Gates: Thank you. To follow up on that question: To be able to do your job, I believe it should be funded properly. If that means getting more funds from the province to make sure that people with mental health issues are taken care of in the province of Ontario, I think it's something that, as vice-chair of the board, I would expect and certainly would want you to fight for, for people with mental health issues.

0940

The challenges are enormous in our communities right across the province. You may or may not know I'm from the riding of Niagara Falls. We have lots of challenges around mental health. As a matter of fact, in our area, police officers are sitting six and seven hours in the emergency rooms because of mental health and some of the issues that are related to that. Some of that is because of funding issues.

Hopefully, if you get voted in today, you'll take a serious look at making sure that you do your job properly on behalf of the residents of the province of Ontario. Funding would be an issue. I know you're not there yet, but you've been around this game a long time. You understand the importance of having money.

Mr. Paul DeVillers: Yes, I do. I also understand the stress and strain put on the board staff, the schedulers who have to schedule 60, 70 hearings a day, with a part-time board trying to fill all the spots. They're under a tremendous amount of pressure, and I would be happy to advocate for them as well.

Mr. Wayne Gates: Thank you. I've just got one last question.

The Chair (Mrs. Cristina Martins): Sure. You have time.

Mr. Wayne Gates: It's a serious issue in Canada right now, and there's a lot of discussion going on. When medically assisted dying becomes the law in Canada, it seems reasonable that the Consent and Capacity Board would be considered as a possible place for decisions surrounding that issue to be made. Do you believe the CC board would be able to consider those cases—and I'll do one more part—and do you believe the CCB should be asked to consider those cases?

Mr. Paul DeVillers: Again, sir, with respect, I don't think it's my role to suggest to the Legislature what roles to give to the board. It's the role of the board to fulfill the mandate that is provided to it.

I know there are conflicts of jurisdictions when we're talking about the current legislation that's before the Parliament of Canada. But I think it would be inappropriate for me to make comments on the record here at this time that, depending on whatever role the CCB may or may not have in that—to come back later. It would, I think, be inappropriate.

Mr. Wayne Gates: All right. Thank you.

The Chair (Mrs. Cristina Martins): Thank you very much, Mr. Gates.

We are now going to turn the questioning over to the government side. You have two minutes and 22 seconds. Marie-France Lalonde, please.

Mrs. Marie-France Lalonde: Bonjour. Good morning. First of all, I want to say thank you very much for being here this morning and for all your years as a public servant. As a Legislature, we certainly know how hard it is, and the will of the wife—the spouse, I should say—has precedence at times.

Mr. Paul DeVillers: Thank you.

Mrs. Marie-France Lalonde: I had the great pleasure last year, actually, of participating in the 400-year celebration of the French presence in Penetanguishene. I have to say, what a lovely area that is. When you talk about culture and a sentiment of our nation and what we represent as Canadians—certainly, I had the wonderful pleasure of being there, and I wanted to share that with you.

It's not really a question, but I want to express the sentiment, from a Franco-Ontarienne, to know how difficult it is to sometimes be served en français, in French. I know you did speak a little bit of français and you're fluently bilingual. It is very appreciated that you are committing to continue and to help on this committee, but also being able to represent the Franco-Ontarians. So thank you very, very much for that, Mr. DeVillers.

Mr. Paul DeVillers: You're welcome. One of the issues, too, is that the patients need to be aware that they can be served in French. Often, we'll arrive at a hearing and just about everyone is able to function in French, but nobody had requested a French hearing.

Mrs. Marie-France Lalonde: Active requests, right? Le service actif.

Maybe I'll ask my colleagues if they have any questions. But I just want to say merci beaucoup.

M. Paul DeVillers: Merci.

The Chair (Mrs. Cristina Martins): Ms. McGarry, please.

Mrs. Kathryn McGarry: I know that you were in the room when you were hearing my background with CCAC, and my dependence, during my role as a care coordinator for CCAC, on the Consent and Capacity Board.

I wanted to know, do you feel that some of the background that you talk about, in terms of representing patients at the review board, will really be able to assist you in your role on the Consent and Capacity Board?

Mr. Paul DeVillers: Yes, I think so, because I think I understand—

The Chair (Mrs. Cristina Martins): Thank you, Mr. DeVillers. That is all the time for the government side. I apologize.

We're now going to have to move the questioning over to the official opposition. Mr. Bailey.

Mr. Robert Bailey: Thank you, Mr. DeVillers, for appearing here today. I wanted to applaud you for your service, both as an MP and a minister, and now with the Consent and Capacity Board. I always like to see former members, whether they're federal or provincial, come back and serve in some way. I think with all of the experience you have as a member, whether it's provincial or federal, you certainly bring something to the table. So I applaud you for that service as well.

I had a couple of questions for you. As a present member of the board, have you got any ideas of where you could see some improvement, as vice-chair, that you'd like to see happen at the board? I'll give you a couple of questions; that way you can kind of expand on your answers. Having sat on the board for a number of years already, what achievements are you personally most proud of that you have accomplished with your colleagues on the board?

Mr. Paul DeVillers: As far as achievement goes, it's being able to provide a full and fair hearing to the clients who come before the board. In my experience I outlined, I did work at Oak Ridge in the 1960s as a summer student. That was before much of this legislation was enacted. It's designed to protect patient rights, and that's what the board's role is, to make sure that clients of the mental health system are getting a full and fair adjudication of their issues. As straightforward as I can be is that if I can have and continue to provide that service to the clientele, I would be satisfied.

Mr. Robert Bailey: Good. As was mentioned in the previous deputation, elder care and concerns with family members are going to continue to be a growing issue. Do you have any thoughts on that—where you see us going as a society and things that you can do at the board to advise the government?

Mr. Paul DeVillers: I think also, it's to help educate the people who are on the front lines, dealing with the elderly people. Recently the chair, Ms. Marg Creal, was in Ottawa to do some outreach to stakeholders and to deal with the board. I was able to arrange a session with the Champlain CCAC and some of their associates who work in the nursing homes and long-term-care homes. Speaking of the board growing, I can see that, because of the demographics, being an area where the board is going to become more and more active. There will be more applications coming, dealing with those issues of placement and capacity to consent to placement etc. that we do now, but I can see as the population ages, we'll likely be doing more.

Mr. Robert Bailey: Okay. That's fine.

The Chair (Mrs. Cristina Martins): Is that it?

Mr. Robert Bailey: Yes.

The Chair (Mrs. Cristina Martins): Thank you very much, Mr. DeVillers. You may step down.

Mr. Paul DeVillers: Thank you, everyone, for your attention.

The Chair (Mrs. Cristina Martins): This concludes now the time for the interviews. I want to thank both of you for being here today and for your presentations.

We will now consider the concurrence for Ms. Andrea Geddes Poole, nominated as member, Consent and Capacity Board. Would someone please move the concurrence? Ms. Lalonde.

Mrs. Marie-France Lalonde: I move concurrence in the intended appointment of Andrea Geddes Poole, nominated as member, Consent and Capacity Board.

The Chair (Mrs. Cristina Martins): Any discussion? All in favour? Opposed? The motion is carried. Congratulations.

We will now consider the concurrence for Mr. Paul Joseph DeVillers, nominated as member, Consent and Capacity Board. Would someone please move the concurrence? Ms. Lalonde.

Mrs. Marie-France Lalonde: I move concurrence in the intended appointment of Paul Joseph DeVillers, nominated as member, Consent and Capacity Board.

The Chair (Mrs. Cristina Martins): Any discussion? All in favour? Any opposition to that? No one opposes. The motion is carried.

Congratulations, Mr. DeVillers, as well.

We have a subcommittee report that we wanted to review, I believe. I was just going to ask if we would just wait perhaps until the guests left before we began that discussion, if everyone agrees with that.

Interjection.

The Chair (Mrs. Cristina Martins): I think there was a little bit of confusion as to the actual title of the appointment of Mr. Paul Joseph DeVillers, so I'm just going to read that into the record.

Mr. Paul Joseph DeVillers has just been appointed as member and vice-chair, Consent and Capacity Board. Congratulations once again. Thank you so much.

Now that we have the record corrected—yes, Mr. Rinaldi?

Mr. Lou Rinaldi: Chair, I wonder if we could have about a five-minute recess to deal with some issues that were just handed to us.

The Chair (Mrs. Cristina Martins): There has been a request for a five-minute recess to review the report and submissions that have just been circulated. Are we all in agreement with that? Okay. We'll take a five-minute break.

The Chair (Mrs. Cristina Martins): We will be back at 9:57.

The committee recessed from 0952 to 0957.

SUBCOMMITTEE REPORT

The Chair (Mrs. Cristina Martins): We'll resume our discussion on the subcommittee report from the subcommittee meeting that took place yesterday. Can I please have someone read the subcommittee report into the record? Mr. Pettapiece.

Mr. Randy Pettapiece: Your subcommittee on committee business met on Monday, June 6, 2016, to consider the method of proceeding with agency reviews, and recommends the following:

(1) That the committee conduct agency reviews during the summer adjournment and that the Chair be directed to write to the House leaders requesting the authorization of the House for the committee to meet during the summer adjournment.

(2) That each caucus select one agency for review and report its selection at the Tuesday, June 7, 2016, meeting of the committee.

(3) That the research officer report to the committee whether any committee of the Legislative Assembly had reviewed any of the following agencies within the last five years:

(a) Hydro One;

(b) Ontario Energy Board;

(c) Province of Ontario Council for the Arts (Ontario Arts Council).

(4) That the committee, at its meeting on Tuesday, June 7, 2016, determine further details relating to the agency reviews.

The Chair (Mrs. Cristina Martins): Is there any debate on what was just read into the record from the subcommittee report? Ms. Vernile.

Ms. Daiene Vernile: I was at the subcommittee meeting, and I have to tell you that I take exception to the points that are on the subcommittee report.

First of all, asking for a review of “any of the following agencies”—and there are three listed: I actually asked for a review of all agencies with all committees, and I don’t see that here.

Secondly, Chair, you’re being directed to write to the House leaders requesting the authorization of the House for the committee to meet during the summer adjournment. And, again on the record, I did not agree to that.

The Chair (Mrs. Cristina Martins): Thank you, Ms. Vernile.

Any further discussion on this? Mr. Pettapiece.

Mr. Randy Pettapiece: I’m a little confused by those comments that you didn’t agree to some of this.

Ms. Daiene Vernile: Well, you left early, Mr. Pettapiece. The discussion continued, and we did not agree to travel for the summer. Taking this back to my caucus—agreeing to travel, which is a large commitment—is an important thing to do to get feedback from people. This is a larger conversation that I need to have with my caucus. I don’t have their invitation or their permission to speak on their behalf.

We do have another caucus meeting that is going to happen before the House rises. However, consultation, support and commitment are required, and we don’t have that at this point.

Mr. Randy Pettapiece: So you haven’t talked to any of your caucus about this?

Ms. Daiene Vernile: We have—

Mr. Randy Pettapiece: Can I ask if we can do it this way? Can I go back and forth here?

The Chair (Mrs. Cristina Martins): Sure, you can go back and ask—go through me, please.

Ms. Daiene Vernile: I’ve had an initial conversation, but what I need to do is to speak to the other 58 members of my caucus and to have agreement on that. This is a very large commitment.

Mr. Randy Pettapiece: I see. So you haven’t done that yet?

Ms. Daiene Vernile: It’s a larger conversation that we need to have. Our caucus will be meeting before we rise.

I would suggest that on something this important, rather than raising this three days before the House rises, it could have been initiated sooner. However, I would suggest that, in the interest of better planning, we continue this conversation as soon as we return. In fact, I would suggest that there be a subcommittee meeting perhaps a week before we resume sitting to further plan this, to make an agreement then.

Mr. Randy Pettapiece: Madam Chair, I just had one question.

The Chair (Mrs. Cristina Martins): Yes, Mr. Pettapiece.

Mr. Randy Pettapiece: You haven’t discussed this with your caucus yet? That’s the only question I asked her.

Is that correct?

Ms. Daiene Vernile: With the entire caucus—the answer is that we haven’t had a caucus meeting yet in order to discuss it.

Mr. Randy Pettapiece: No, that’s the only question I asked.

Ms. Daiene Vernile: And you have your answer. Thank you.

Mr. Randy Pettapiece: Thank you.

The Chair (Mrs. Cristina Martins): Thank you, Ms. Vernile. Ms. Lalonde?

Mrs. Marie-France Lalonde: I just want to reiterate, and I know that the member opposite would know this: We, as whips, try to consult very much. This has not yet been consulted in the sense of: What is the agency that our caucus would want? I think our subcommittee representative did not have that opportunity, unfortunately.

I very much appreciate what she’s proposing, and certainly would support it. I just think that the time frame is a little too short for us.

The Chair (Mrs. Cristina Martins): Ms. McGarry.

Mrs. Kathryn McGarry: This hasn’t come to caucus yet. This is this afternoon’s meeting.

I also wanted to look at some of the other work that’s going on this summer. There is another committee that is travelling extensively which I think other members in all three parties will need to sub on.

Summer is often the time when we meet with our constituents from all parties to work on some of the important legislation that our constituents want us to take forward. I know that the other committee that’s travelling is out for a long period of time and, as I said, other members probably of all three parties will need to take part and to sub on.

I know that in my region of Waterloo, we have all three parties represented. This was actually a discussion of ours just informally about how much travel there was in other committees this summer. I have MPP Harris and MPP Fife in our area, and we're all kind of thinking that this is a time when we're going to have to take time out of our constituencies to go and travel, which is fine, but it requires that planning. I would see this as a burden, really, for all members to be out of their constituencies that long.

More to the point of a broader consultation, I would think that if this had come forward two or three weeks ago when we had time to bring it to caucus before we had to make a decision, it would have probably been better planning. However, I think that the suggestion that we take the time over the summer to think about it, perhaps have the subcommittee come back, as MPP Vernile had suggested—maybe before the House resumes in the fall—and there can be a broader consultation at that point on how to plan this properly so that all members feel they can participate. I think that that would be my suggestion.

The Chair (Mrs. Cristina Martins): Thank you very much, Ms. McGarry. Just one point of clarification here: I know there is some concern that has been raised by the government side with regard to the agencies and having to definitely go back to caucus to determine whether or not this continues to be the agency to review it. I've just been briefed here by the Clerk that typically agency reviews do not travel and that the subcommittee report on the table right now does not request travel—so just to have that clarified for everyone here today.

You had other points as well, so I'll leave those as they are. I believe we had Mr. Gates first.

Mr. Wayne Gates: I will listen to the Liberals, if you like, and then I'll respond to their concerns.

The Chair (Mrs. Cristina Martins): I recognized that you had your hand up.

Mr. Wayne Gates: Okay. I'm a little surprised at what they're saying. First of all, I agree—I'll go through the Chair. When we had this discussion last year with the Chair, and Mr. Fraser was the Chair at that time—with all three parties, by the way. This wasn't just something that came up three days ago. We had this discussion. I was quite surprised that it wasn't approved. That's kind of where this all came from.

The Conservatives picked Hydro One and we picked the Ontario Energy Board, and at that time the Liberals, through consultation obviously with their caucus and everybody else, would have picked the Province of Ontario Council for the Arts. So for you to come here today and say, "Well, we didn't take it to our caucus" isn't quite accurate.

Ms. Daiene Vernile: We haven't had a caucus meeting yet.

Mr. Wayne Gates: Let me finish. I'm talking, and you guys can say whatever you like afterwards.

So you've certainly been aware of it. I'm surprised that you're not aware that last year we had actually talked extensively on having it last summer. For whatever

reason, I'm not really even sure of—I'd have to check again why it got thrown off. There are no surprises here. We've had extensive dialogue and talk between the parties on particularly these three agencies to be reviewed. To say that you're surprised at it—I'm a little surprised at your comments.

It's not like we're travelling all over the province. There's not a great amount of time that goes into this. If you read your notes, you can see that some have gone as quickly as two hours. Some go on to nine hours. To say that about constituencies: We all have members that we take care of back in our ridings, but this is also very, very important to get these done. We finish June 10, I believe. I think that's the last day here. Is that the date?

The Chair (Mrs. Cristina Martins): June 9.

Mr. Wayne Gates: We're not coming back till September. You have lots of time to meet with anybody who has any problems in your ridings, including the riding of Niagara Falls. This is important work. It should be done. You picked the Province of Ontario Council for the Arts, so obviously you talked to somebody over the course of last year on that issue. So I'm very, very surprised by where you're at today—and disappointed, by the way.

The Chair (Mrs. Cristina Martins): Ms. Vernile.

Ms. Daiene Vernile: Just for clarification, Mr. Gates, we have not had a caucus meeting yet. It's occurring this afternoon. Hence the reason why, since yesterday to this morning, we don't have clarity for you on that. But our caucus will be meeting this afternoon.

I too am surprised. I'm surprised that such a large issue like this was put on the table before us three days before the House rises. This requires a greater conversation. It is a big commitment, which is not to say that we're not committed to investigating this and possibly even travelling, but it requires a greater conversation. I think that our commitment is to making an informed decision rather than a rushed decision.

Chair, we're ready to vote on this if you will have us do that.

The Chair (Mrs. Cristina Martins): Is there any further discussion? Mr. Pettapiece.

Mr. Randy Pettapiece: Not really. I think we know what's going to happen here, Chair, so what's the sense of us—

Interruption.

Mr. Randy Pettapiece: Some of us would really like that lawn mower to shut off out there.

Anyway, there isn't a lot of travel, as has been discussed here, so time-wise—in fact, I don't think there is any travel.

Mr. Wayne Gates: There is no travel.

Mr. Randy Pettapiece: So time-wise, I don't think that's a valid argument. However, I have listened with much interest to the government's side on the discussions, so I can pretty much tell how the vote is going to go. I'm sorry, Mr. Gates; that is what's going to happen.

Mr. Wayne Gates: What's that?

Mr. Randy Pettapiece: I can pretty much tell how the vote is going to go here. I'm prepared to vote on the motion.

The Chair (Mrs. Cristina Martins): Are we prepared to vote, then? Mr. Gates, before we vote?

Mr. Wayne Gates: I'd like a recorded vote as well.

The Chair (Mrs. Cristina Martins): There has been a request for a recorded vote.

Shall the subcommittee report, as read into the record, be adopted?

Ayes

Bailey, Gates, Pettapiece.

Nays

Kwinter, Lalonde, McGarry, Rinaldi, Vernile.

The Chair (Mrs. Cristina Martins): The motion has been lost.

If I may, there was a proposal by Ms. Vernile—I don't know if you wanted to repeat that or not—with regard to meeting in September.

Ms. Daiene Vernile: Yes: possibly meeting a week before the House resumes sitting to set a date.

The Chair (Mrs. Cristina Martins): Did you want to discuss that further? We'll just leave it?

Ms. Daiene Vernile: We're going to give it some consultation, Chair, and we will be back in touch with you.

The Chair (Mrs. Cristina Martins): Okay; perfect.

Any further discussion at this point? Mr. Pettapiece.

Mr. Randy Pettapiece: Other than—I read in the paper this morning—don't invite the capybara into your house if you live in Toronto. It's not housebroken. Just be careful of that. They haven't captured any of them.

The Chair (Mrs. Cristina Martins): Thank you very much for that, Mr. Pettapiece.

The Chair (Mrs. Cristina Martins): Seeing that there is no more business, the committee is adjourned. Thank you very much.

The committee adjourned at 1012.

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