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**Official Report
of Debates
(Hansard)**

A-17

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des débats
(Hansard)**

A-17

**Standing Committee on
Government Agencies**

Intended appointments

**Comité permanent des
organismes gouvernementaux**

Nominations prévues

2nd Session
41st Parliament

Tuesday 25 April 2017

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41^e législature

Mardi 25 avril 2017

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Tuesday 25 April 2017

Mardi 25 avril 2017

The committee met at 0903 in committee room 2.

SUBCOMMITTEE REPORTS

The Chair (Mrs. Cristina Martins): Good morning, everyone, and welcome to government agencies. Before we begin our intended appointments review, our first order of business is to consider two subcommittee reports.

The subcommittee report dated Thursday, April 13, 2017: Would someone please move adoption of the report? Mr. Pettapiece.

Mr. Randy Pettapiece: I move adoption of the subcommittee report on intended appointments dated Thursday, April 13, 2017.

The Chair (Mrs. Cristina Martins): Discussion? All in favour? Opposed? The motion is carried. Thank you very much.

The second report is a subcommittee report dated Thursday, April 20, 2017. Would someone please move adoption of the report? Mr. Pettapiece. Oh, sorry. Mr. Gates.

Mr. Wayne Gates: We look alike. So it's okay.

The Chair (Mrs. Cristina Martins): The moustache gives it away.

Mr. Wayne Gates: Thanks, Madam Chair. I move adoption of the subcommittee report on intended appointments dated Thursday, April 20, 2017.

The Chair (Mrs. Cristina Martins): Thank you, Mr. Gates. Discussion? All in favour? Opposed? The motion is carried. Thank you very much.

We will now move to the appointments review. We have two intended appointees to hear from. We will consider the concurrences following the interviews.

INTENDED APPOINTMENTS

MR. PARESHKUMAR JARIWALA

Review of intended appointment, selected by third party: Pareshkumar Jariwala, intended appointee as member, grant review team—Essex, Kent and Lambton—Ontario Trillium Foundation.

The Chair (Mrs. Cristina Martins): Our first intended appointee today is Pareshkumar Jariwala—my apology for the wording there—nominated as member, grant review team—Essex, Kent and Lambton—Ontario Trillium Foundation.

Please come forward and take a seat at the table. Welcome. Thank you very much for being here today, on

such a rainy morning. 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 questioning. Questioning will begin with the official opposition. You may begin.

Mr. Pareshkumar Jariwala: Good morning, and thank you for giving me this opportunity. I'm from Windsor, as you know. You might have seen my resumé. I have been involved in lots of voluntary work which pretty much touches all of the six triangles you have on the Trillium website.

To start with, I'm a past president of the India Canada Association and their subcultural group under that. As a part of that, we do lots of volunteer activity, especially spanning across the whole community of Windsor, be it youth, senior citizens.

To give you one example, we have been supporting a cricket association. It's not only that we play sports or cricket, but kids along with us are also excited. They come there, and we train them. Our seniors do come there. They walk around in the park. This gives you the highlight of what we do.

At the outset, under the banner of the India Canada Association, we do a lot of gala dinners—charity for the cancer society, the diabetes society. We also help our local food bank.

I have been involved in all of these activities, so that gives me some flair of what's happening around in the Windsor region. That's how I put up my case. That's a thumbprint impression of what I do.

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

We will now begin questioning with the official opposition. Mr. Pettapiece.

Mr. Randy Pettapiece: Good morning, sir. You must have got up early this morning. Or did you come in last night?

Mr. Pareshkumar Jariwala: No, I flew from Windsor. That's 5 o'clock when I got up, and I'm here by 9.

Mr. Randy Pettapiece: They have airplanes, don't they? I forget that.

Mr. Pareshkumar Jariwala: That's convenient. City centre airport: that's very convenient.

Mr. Randy Pettapiece: Sir, I have some questions to ask you. One of them is that from our information, it says you are the fundraising chair for the Liberal Party in Windsor—Tecumseh?

Mr. Pareshkumar Jariwala: Correct.

Mr. Randy Pettapiece: Are you still the chair of the fundraising committee for the Liberal Party down there?

Mr. Pareshkumar Jariwala: Yes.

Mr. Randy Pettapiece: Are you? I guess my question is going this way, about setting aside party interests when serving on a grant review team. How will you accomplish that?

Mr. Pareshkumar Jariwala: I would say they are totally different things. We are not comparing apples to apples. That's my personal inclination towards the party, and I feel that's my choice. But I don't think that would affect me in my volunteer work. I had been doing that before I even joined the Liberal Party three years back, to give you the context of that. It's not that after I joined the Liberal Party, I was doing voluntary work. I had been doing it since 2000, for 15 years.

Mr. Randy Pettapiece: But I guess I'm trying to understand how you're going to do this, how you're going to set aside your party interests when you are thinking about grants. That's what I'm getting at. I think you have to understand that there may be those who may say that you may be going one way or the other because of your party interests. I have to have an understanding of how you would do that.

Mr. Pareshkumar Jariwala: Fundraising is a totally different ballgame. Like I said, helping a cancer society, a diabetes society or a local food bank—I don't think it can stop me, me being a fundraising chair, from doing that work or, for that matter, even any part, assuming I am selected, of this review committee. Personally, I don't see any conflict there. If you can give me a specific example, how I would react, I can better clarify that. But I feel they are totally different things. I don't see any connection there.

0910

Mr. Randy Pettapiece: I'm not saying there is a conflict, sir. I'm saying there could be a conflict, or somebody could perceive that there is a conflict, is what I'm getting at. You have to be able to mitigate that if somebody perceives that there may be a conflict.

Mr. Pareshkumar Jariwala: If it comes to that, I can choose either of them. If I feel that, really, here is a thing where there can be a perceived conflict, or that it can be compromising my ability to review this, I may choose one of them at that point of time. I'll be transparent in thought, so that people would know what I am doing.

Mr. Randy Pettapiece: I understand that, but there could be a perception. It has happened, so you have to be—

Mr. Pareshkumar Jariwala: Exactly. That's what I mean.

Mr. Randy Pettapiece: I think you may have to be prepared for something like that.

Mr. Pareshkumar Jariwala: Yes.

Mr. Randy Pettapiece: Do you have any prior experience in dealing with a granting program of this kind?

Mr. Pareshkumar Jariwala: Yes. Like I said—I just gave you the thumbnail version of what I do, but I have

been doing not exactly this kind of a job—a different ecosystem—but pretty much aligned with this.

I have been working with youth, community infrastructure since I was in the 12th grade, in a different part of the world. But, yes, I have worked with a government agency wherein we came up with innovative textbooks, outside of the classroom, to teach people. Those are very challenging projects where you have to review so many proposals and say, “Okay, X, Y, Z—which works best with a very lean budget?”—just to give you one example of something like that—or an opportunity on a youth camp, with a limited budget to influence. I have reviewed, yes, so many proposal offers.

Also, in my professional life, I worked for Ontario Lottery and Gaming. Of course, it's at a different level, but I do review a lot of things, so I have some process.

Mr. Randy Pettapiece: Have you been involved in okaying grants before? Have you been involved in any kind of a program that takes money and gives it to somebody for this type of project?

Mr. Pareshkumar Jariwala: Yes, in my current capacity as ICA past president and when I was the president. We do get money, we do fundraising, and then we allocate that fund for the different—like I said, we decide whether we should go for a Canada World Education Foundation offer, or it could be a local food bank or any green initiative. We do review the pros and cons and what is the requirement at that point of time, and what best our money could do, or how best it can impact the society, for the given limited resources.

Mr. Randy Pettapiece: If you get this position, sir, you're going to be responsible for a bigger area, I suppose. That's going to be part of your responsibility.

There's always a question that at different times comes up, a question of fairness: This one gets it, and this group doesn't. So we have to have an element of fairness in this whole process.

Do you have any ideas on how to mitigate that, or how you would try to make sure that there's a fairness part in this grant process?

Mr. Pareshkumar Jariwala: Based on my read of how this review will be done, it's teamwork. There will be a team reviewing that. I think it's really a transparent process. If I tried to sway anything any other way around, there's a team with me, and it's a team decision. That's the best answer I could give you. There is no way I can influence that, even if I want to, because it's an open and transparent process. There will be four or five or eight members of the review committee with me, so, definitely, it's an open discussion.

Mr. Randy Pettapiece: Thank you.

The Chair (Mrs. Cristina Martins): Mr. Oosterhoff?

Mr. Sam Oosterhoff: Thank you very much for coming in, Mr. Jariwala, and thank you for your obvious passion for your community and the volunteering that you've done so far in your career.

I'm just sort of curious: What made you decide to apply for this position? I understand that you were active

in your community, but what made you decide that this would be some way you could have a positive impact?

Mr. Pareshkumar Jariwala: That's a very good question. Like I said when I explained to you or when I told you what I did, when I connect the dots, this is exactly what it is: actual people, connected people, green-inspired people. So that's what I have done.

In my cricket association, we have senior citizens. We started exciting them that come every Friday, and they ended up forming a senior citizens' group, a nice one. We sponsor a picnic for them. We bring in youth there.

Under the India Canada Association of Windsor and Essex County, we do a Reach for the Stars program for the youth to keep them engaged from one generation to another.

Everything that I had been doing—this is what connects the dots for me. I feel like I can be more influential here. What I could do at the community level with limited resources, I did it. This gives me a perfect platform to really influence that, based on my read of what's required in Windsor and what I have gained in the past 10 to 15 years.

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

Mr. Sam Oosterhoff: Just one other question, sir: Do you anticipate any particular challenges in being part of the grant review team? What do you think those could be, and how do you think you would work within that team framework to solve them?

Mr. Pareshkumar Jariwala: Yes, there will be challenges. You can't open all of the locks with one key. Southwestern Ontario, Chatham-Kent—it's a big region. Every region's proposal has to be weighed on the merits of the requirements of that region and the infrastructure available there.

It will be a learning curve for me once I get into it. There are senior people there; I will pick up a few things from them. What I understand best I can share with them, and that would guide me. Definitely, that's how I plan to work on my challenges.

Mr. Sam Oosterhoff: Excellent.

Did you have any more? No? That's it.

The Chair (Mrs. Cristina Martins): We're now going to pass on the questioning to Mr. Gates.

Mr. Wayne Gates: Good morning, sir. How are you today?

Mr. Pareshkumar Jariwala: Good.

Mr. Wayne Gates: I hope you had a good flight from Windsor.

Mr. Pareshkumar Jariwala: Yes.

Mr. Wayne Gates: It's usually a little rocky, coming in from Windsor.

Mr. Pareshkumar Jariwala: Acceptable—yes, it was rocky as I landed there. I was a bit worried there for five minutes.

Mr. Wayne Gates: I will say that I'm very excited that Windsor is getting the Memorial Cup this year. The Spitfires have got a pretty good hockey team, so they should represent Windsor pretty good. But the Memorial Cup is always good for the local economy. You talked

about kids—kids going to watch the junior players. I'm a big IceDogs fan, but obviously we're not playing anymore—there are reasons for that. But I know it will be good.

Just to follow up on the question from the PC Party about fundraising: You're obviously closest with the Liberal Party. As a fundraiser, what did you do for the Liberal Party?

Mr. Pareshkumar Jariwala: Up until now, we just had a social gathering, so people were paying for the actual cost. We talked about what we should do to raise the funds. That's where we are at this point in time. We plan to work on a dinner.

Mr. Wayne Gates: We're at that same point, seeing that they changed all of the rules. I was just seeing if there was something that you had done.

Your background provided shows that you have a bachelor's degree in chemical engineering and a master's in nuclear power engineering.

Mr. Pareshkumar Jariwala: Correct.

Mr. Wayne Gates: Furthermore, it seems the majority of your employment background consists of engineering in the energy industry.

Mr. Pareshkumar Jariwala: Correct.

Mr. Wayne Gates: What motivated you to seek this appointment, and do you believe that you have the necessary experience to be part of the Essex, Kent and Lambton grant review team?

Mr. Pareshkumar Jariwala: Like I always tell all the students I mentor, engineers make the world. I see this as one part of that. I learned so much in my professional career. Whether it be management, administration or getting the job done, an engineer would never say no. If you can't get something done 100%, I'll try 99%; if not that, 98%. That's a perfect skill set for anything like this. You need someone who is really excited and charged.

As I rightly explained, with my background—here is a personal story: Like I said, it's not something where I just woke up in the morning and I started doing it. There's a family history. My mom used to give a part-time job to 250 women in India who had nothing to eat and no money to send the kids. I was involved right from when I was 14 or 15 years old. So we do it.

I'm an engineer. I got so much from society. This is a perfect time for me to give back. What's the difference between me and other species on the planet, as a human being, if I don't give back to society? I'm no different than a dog. That's my philosophy. My apologies if I overdid it, but at the outset, that's what it is. It's not that I can get a cricket club and get youth there or that I support a cancer society; it's my will that I got so much from society, it's time for me to give back, whatever I could do in my free time.

Mr. Wayne Gates: Your response is certainly fair and reasonable, considering the fact that you did come from India. You came to Canada, settled in Ontario, and have built yourself—what I can tell from your history—a pretty good life. I congratulate you on that.

0920

Mr. Pareshkumar Jariwala: Thank you.

Mr. Wayne Gates: So I understand what you're saying on that part of it.

With every grant review team, there are unique challenges in every area of the province when determining funding commitments. It is noted that between 2001 and 2006 the Kent-Lambton reported population growth was about half of the rate of the province of Ontario; it was about 3.4% compared to 6.6% overall in Ontario. With growth unevenly dispersed across the region, including a much smaller-than-average growth in the youth population—which you've already talked about—noting this reality along with others, how do you believe the grant review team should address unique challenges for this area?

Mr. Pareshkumar Jariwala: There are bigger problems here. It's not because of what I could do at Trillium; that's the state of Windsor. But definitely, I can try my best to influence in whatever way I can. I've got this perfect mantra of six bullets here that pretty much addresses what best we could do. I would be guided by these six bullet points. I think that is what you expect from me as a grant review committee member for the Trillium Foundation.

I'll see if there is an opportunity to innovate, improve and give some feedback to further improve this program.

Mr. Wayne Gates: I appreciate your comments. That is Windsor, but the reality is, Windsor is doing quite well right now. Their unemployment has dropped substantially in the last few years. The auto sector has gotten some really good investment. The university, I think, is really reaching out into the community. Windsor is doing some good things. I just thought I'd say that because you had mentioned that.

It is my understanding that the grant review team will generally meet between three and six times per year, for half a day to a full day. This includes devoting around 15 to 40 hours in a four-month granting cycle. Do you believe you have the time to commit to this endeavour that you're looking to do?

Mr. Pareshkumar Jariwala: Yes, sure. To that point, I did reach out to my HR and I made sure I had their blessings. I'll have all the time off I want. I always work 24/7. I never used my vacation for three or four years. I can always book a day off and do the thing.

Mr. Wayne Gates: Because you said you had volunteered: There is an Auditor General's report that found that this particular part of the province sometimes doesn't demonstrate that they're actually putting the money towards the most worthy projects. When I take a look over here, on the write-up, that's a little concerning to me. I did look at some of the organizations that they've given money to. I'm going to ask you if you ever participate in any of them: the United Way Chatham-Kent, the Windsor Youth Centre, the North American Black Historical Museum, and Women's Enterprise Skills Training of Windsor. Have you ever volunteered for any of those organizations?

Mr. Pareshkumar Jariwala: For United Way? Sure. We have collaborated, our ICA and other sub-organizations I represent, on their walkathon or some of the green initiative clean-up programs, or indirectly—definitely, we help support it.

Mr. Wayne Gates: What they found when they did the study was that some of the grant money wasn't going where it should be going. They found that the procurement practices could be done better. Do you have any idea of how that could happen, if you became part of this team?

Mr. Pareshkumar Jariwala: The only thing I can definitely tell you is that I really have a pulse from the ground, from the actual live project that we have done, that I have been alluding to since the beginning. So that will be my guiding factor, because I understand that ecosystem in Windsor. Where is a shortfall? Where can a sport facility help me? What is it that can be done in the summertime for the seniors so that I can get 100 or 200 seniors connected?

So I have a path, but I don't have a definite plan—A, B, C—that I can execute. With my experience and the other team members' experience, there's a learning curve, but definitely I can always contribute what I know. I hope that would help me to do my job better.

The Chair (Mrs. Cristina Martins): Just under two minutes.

Mr. Wayne Gates: Okay; thank you very much. I don't want you to take it any other way: Society does appreciate people who volunteer.

One of the things that I'm finding in my riding, and I think right across the province of Ontario, is that we don't have enough volunteers. We don't have enough people who are giving up their time. What you're seeing with the Rotary Clubs, the Lions Clubs and the Legion is that it really is mostly seniors. So my question to you would be: Do you have any idea how we could get more young people involved in volunteering? Because at the end of the day, if we're going to continue to have a good society, our young people need to volunteer and understand the rewards that come with it.

Mr. Pareshkumar Jariwala: I can give you a very good example. We do a Reach for the Stars program for youth from ages 5 to 14. I mentor them, and everything for that program is a one-day camp. We just mentor them, and we train them in such a way that they do everything, right from the concept to how they plan to do it to where they will get the money. That's my input in training and engaging youth.

I'm sure once they do it and see how it's rewarding, at the end of the day—when they see 100 kids there whom they met at the whole-day camp, it really keeps them engaged, and I'm sure they could be future volunteers.

We do reach out personally when we need it. We request them, and they're always helpful. I do get enough volunteers whenever I want. It's how you talk to them, and it depends on the situation.

Mr. Wayne Gates: I appreciate that. Thank you very much.

The Chair (Mrs. Cristina Martins): Thank you very much, Mr. Gates. We're now going to turn it over to Mr. Qaadri.

Mr. Shafiq Qaadri: First of all, Mr. Pareshkumar Jariwala—I thought I would just get that onto the record—we welcome you. Thank you—a very impressive resumé, both abroad as well as here.

I'd also just like to thank Mr. Gates for his endorsement of the government's economic strategy in the Windsor area with regard to employment, job creation and an economic boom. I think you mentioned specifically the auto sector, and I wanted to seek formal permission if we might put that in a brochure over time.

With that, I will now turn it over to Ms. Vernile.

Ms. Daiene Vernile: Thank you very much, Mr. Jariwala, for putting your name forward to serve on the Ontario Trillium Foundation, which is an act of public service. We welcome people from all walks of life to get involved in our boards and agencies. In fact, just a few weeks ago we had the mother of Conservative Patrick Brown's chief of staff come before us for a position on the Ontario Energy Board, and we Liberal government members unanimously supported her, because she was immensely qualified. So we're happy to see you here today.

I see that your involvement has been in federal politics. Have you been inspired by Justin Trudeau?

Mr. Pareshkumar Jariwala: Yes. There was a bandwagon and everybody walked in, right?

It's both. It's federal and provincial also. Windsor—Tecumseh, federal and provincial—we represent both.

Ms. Daiene Vernile: Can you give us a fuller picture of your non-partisan volunteer activities? I see you've been involved in a number of groups.

Mr. Pareshkumar Jariwala: It's very simple. For the last five years I have been hosting a gala dinner on behalf of the India Canada Association, and we have been supporting ultimately the cancer society and the diabetes society. That is bipartisan. The diabetes and cancer societies have nothing to do with any party, so no matter what role I play on either side—you know what I'm saying.

That's how I see it. My volunteer work has nothing to do with my party affiliation. Ultimately, all are Canadian. When I signed up for this—we're vibrant Canadians in a vibrant community, so it could be anyone. That's how I see it. That's the best I could put it for my party affiliation and my volunteer work.

Ms. Daiene Vernile: How do you feel your past volunteer activities will help to inform you on the Ontario Trillium Foundation? The past experiences that you've had volunteering—how will that help you in the future?

Mr. Pareshkumar Jariwala: That's a good question. That's what it is. It's one thing to be on a review committee, but when you look at someone who is, from the ground level, working their way up, it's really challenging. For every cent and dollar, every time, every volunteer has to struggle. I realize that here is a perfect platform where people can get help, so that helps me to bridge the gap.

That's how I see this. My real experience on the ground shows me where deficiencies are, what I can improve and what it is that I can do for that particular group—because I was part of a group—so that we can get things done. That perspective will help me here. That's how I see it.

Ms. Daiene Vernile: We thank you very much for serving your community and wanting to serve the province. Thanks for coming here today.

Mr. Pareshkumar Jariwala: Thank you.

The Chair (Mrs. Cristina Martins): Thank you, Ms. Vernile, and thank you, Mr. Jariwala. You may now step down. That concludes the time allocated for this review. We will consider concurrences following all the interviews today. Thank you very much.

Mr. Pareshkumar Jariwala: Thank you, everyone.

0930

MR. MICHAEL JANIGAN

Review of intended appointment, selected by third party and official opposition party: Michael Janigan, intended appointee as member, Ontario Energy Board.

The Chair (Mrs. Cristina Martins): Our next intended appointee today is Mr. Michael Janigan, who is nominated as member, Ontario Energy Board.

Please come forward and take a seat at the table. Welcome, and thank you very much for being here this morning. You may begin with a brief statement if you wish. Members from 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 questioning. When we do begin questioning, it will begin with the third party.

Welcome, Mr. Janigan. You may begin.

Mr. Michael Janigan: Thank you very much, Madam Chair. Good morning, Madam Chair and members of the committee. I am pleased and privileged to attend before the committee today as an intended appointee to the position of full-time member of the Ontario Energy Board. I have spent the last 25 years working on issues of consumer protection and utility regulation, and I hope to put that knowledge and experience to work as a board member.

I'm a lawyer who has been called to the bar of the Law Society of Upper Canada and the State Bar of California. I received my LL.B.—now termed a J.D.—at the University of Western Ontario, now called Western University. If you last long enough, your credentials also change. I also hold a master of laws degree in competition law from the University of London.

After my call to the bar, I carried on a litigation practice in the city of Ottawa and subsequently was elected and served as city and regional councillor for a diverse downtown Ottawa ward.

After I left municipal politics, I joined the Public Interest Advocacy Centre in Ottawa, where, for the last 25 years, I have served as executive director and general counsel, and subsequently as special counsel for consum-

er and regulatory affairs, concentrating on energy regulation. The centre is a non-profit charitable organization that provides legal services and conducts research on behalf of ordinary and vulnerable consumers and the organizations that represent them. This work includes issues and regulatory proceedings involving important public services such as energy, telecommunications, broadcasting and transportation, as well as financial services, competition and general consumer protection.

I have appeared before tribunals such as the CRTC, the Canadian Transportation Agency, the Yukon Utilities Board and, of course, the Ontario Energy Board.

I have attended, and made presentations to advance consumer protection interests before committees of the House of Commons, the Senate and the Ontario Legislature.

I have been engaged in consumer representation and advocacy in industries that have undergone fundamental restructuring in their service offerings and/or regulation during the period of my involvement. These industries have included telecommunications, broadcasting, airlines and, of course, energy. I have been to school on the results of such restructuring, particularly where such results have not matched expectations. I have tried to incorporate those lessons into the positions that were advanced on behalf of the consumers I have represented.

I was also associated for several years in the previous decade in an “of counsel” capacity with a Washington DC-based firm that provided advice and assistance to utility commissions across the United States.

For close to 11 years, I served the provincial government in the capacity as a government appointee on the board of directors of the Travel Industry Council of Ontario, or TICO, as it’s known. TICO qualifies and regulates the operations of approximately 2,500 travel retailers and wholesalers in the province and administers a travel compensation fund. For the last five of those years, I served as the first non-industry chair of that agency. It was instructive to be in a position of responsibility for overseeing the delivery of the products and services of an important industry, and not simply acting as an external critic.

As the recipient of a Law Foundation Community Leadership in Justice fellowship in 2009, I developed and taught a course in consumer rights in the marketplace, a fourth-year legal studies course at Carleton University. The course explored the development of consumer protection from common law through efforts at statutory reform, regulation of important public services and the establishment of competition law.

I continue to teach a modified version of this course as part of the regulatory regimes course offered in the Osgoode Hall master of laws program.

I have made a substantial career commitment to consumer advocacy, and specifically legal advocacy of the interests of residential consumers before the Ontario Energy Board, but I have no personal agenda that I will bring to the board to implement. Rather, my experience informs my approach to the issues and evidence in the

proceedings before the board. I will be attentive to ensure that the interests of consumers are engaged fairly when board decisions determine the public interest in accordance with the legislation and regulatory practice.

However, it is also essential that the making of just and reasonable rates takes into consideration all the objectives of the OEB Act in relation to the efficient and safe delivery of energy services to all provincial customers. As well, this process must, of course, be based upon an evidentiary record.

As well, in discharging its responsibilities to implement government directives such as those made under the OEB Act or to bring into effect the government’s long-term energy plans, the OEB must ensure competent and efficient translation of the policies of the government congruent with its statutory objectives.

I recognize that I have given a very broad-brush summary of my view of the major tasks and responsibilities of this important board.

I thank you for the opportunity to outline my background. I would like to express my enthusiasm for the opportunity to work in tandem with the chair and the appointed members of the board and staff of the Ontario Energy Board to carry out the objectives of the board in the public interest.

The Chair (Mrs. Cristina Martins): Thank you very much, Mr. Janigan. We will now begin questioning with Mr. Gates.

Mr. Wayne Gates: Good morning, sir. How are you?

Mr. Michael Janigan: Good morning.

Mr. Wayne Gates: I’m going to ask you a question that I usually ask everybody on Tuesday morning, particularly when it rains. Have you ever donated to the Liberal Party?

Mr. Michael Janigan: I’ve donated to all three parties over the last 20 years.

Interjection: Even the NDP?

Mr. Michael Janigan: Even the NDP.

Laughter.

Mr. Michael Janigan: I didn’t mean that in a pejorative sense.

I will say that my donations have been based basically on because I know the candidates, I’ve worked with them and they might have supported me at some point in time when I was running for office. So yes, all three parties—I have to say, no slight intended here—but primarily federal candidates I’ve known; I guess it’s probably because I’ve lived in Ottawa for so long.

Mr. Wayne Gates: I’m glad you said that, because it’s good that you picked one good party out of the three. As we found out with my questioning earlier today, Windsor is doing quite well because they have six NDP candidates in that particular riding.

I want to ask you a question. This is something that I think has to be discussed, because even the party beside me has raised the issue around CEO compensation. I see the chair here gets paid \$512,483. Do you think that’s fair compensation with your expertise in the energy industry?

Mr. Michael Janigan: I have expertise with respect to the individual utilities in relation to their compensation patterns. I haven't served on the Ontario Energy Board; I've not been part of the administration. A lot of the administration concerns areas that do not involve necessarily consumer representation, so I'm not really someone who can comment on the board itself.

I will say, with respect to executive compensation in general, this has been an issue that has been raised a number of times. The last time I recall was in the Hydro One transmission proceeding that occurred last year. Effectively, what occurs is that in most cases—there are compensation studies that have been done through experts who have filed testimony to that effect. One of the concerns that's raised—I'm not going to necessarily indicate any particularly strong views on that—is whether or not these compensation studies are circular in nature, that effectively they're based on one another so that essentially they always agree in terms of the size of the compensation. How you get around that particular problem may be something that the board, and the board panel, in this case, may want to tackle in terms of the final decision. As far as that goes, I think it's a legitimate issue to be raised, particularly in the context of the making of rates, and certainly one that I have seen raised in a number of proceedings.

Mr. Wayne Gates: It was part of our platform in the last election.

Something that I noticed about your—when it talked about the witness that was provided to me. It says that you're an author of publications in telecommunications, energy and other utility fields. So you really know the energy sector quite well, I would think?

Mr. Michael Janigan: Yes, I've been active in that for the last 25 years and almost exclusively for the last five years, when I stepped down as the executive director of the organization that I was affiliated with in Ottawa.

Mr. Wayne Gates: So I guess my question to you is one that I think is fair, reasonable and certainly balanced, coming from me. It says on one of the things here that this particular board is supposed to make sure it's doing things in the best interests of the consumers. I'm going to ask you: In your opinion, do you believe that selling Hydro One was in the best interests of consumers?

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Mr. Michael Janigan: My involvement as a consumer advocate has been primarily associated with the rate side of the proceeding and not the taxpayer part of the proceeding, where I think the majority of issues arise. The current Hydro One transmission proceeding and the ongoing Hydro One distribution proceeding are to determine the rates that are associated with those two entities.

It would appear that the board, as well as most of the intervenors, including the companies themselves, advocate a stand-alone approach when it comes to determining the rates of the company. In other words, the ownership of the company should not determine how the rates are set; they should be set on the basis of what is necessary for the operation of the entity.

I'm hopeful and confident that the board will make a decision on that basis and that consumers will be insulated from the rate effects of the Hydro One transaction. I'm not in a position, nor have I studied in any intensive fashion the effects upon the taxpayer of the Hydro One transaction, which is an entirely different sort of sphere.

Mr. Wayne Gates: So I'll ask you straight out, then: Do you think it was in the best interests of the province of Ontario to sell Hydro One, with your expertise?

Ms. Daiene Vernile: Point of order, Chair.

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

Ms. Daiene Vernile: The question Mr. Gates is asking is outside the mandate of this committee—

Mr. Wayne Gates: It's right here.

Ms. Daiene Vernile: —and it's outside the scope of why this gentleman is before us.

Mr. Michael Janigan: I can say that I could answer that question better from the standpoint of my expertise on rates after I see the decisions that will be arrived at associated with the determination of rates.

Mr. Wayne Gates: Well, the fact that you're going to probably get on the board, seeing the Liberals always have the majority vote—my issue is that all I care about, quite frankly, is: What's in the best interests of consumers? Seniors, single moms who are struggling to pay their hydro bill every day—when 90% of the province of Ontario is saying, "Don't sell it," I would think that's a pretty good indication—

Ms. Daiene Vernile: Point of order, Chair.

The Chair (Mrs. Cristina Martins): I think it's part of the debate that's going on. I will ask Mr. Gates, however, to bring the questioning back to the qualifications of the person before us for the board. If we can bring the questioning back to the qualifications—

Mr. Wayne Gates: I appreciate that. I'm actually just going off what you guys gave me for the witness. So I can only go with what you give me. I'm sorry. I think my question is fair.

Mr. Michael Janigan: I understand the nature of that question, but the job of the Ontario Energy Board is to implement the legislation and the policies of the government in accordance with the objectives of the act. I don't think you can step outside that kind of mandate to impose your own views on a board or transaction.

Mr. Wayne Gates: I guess where I was going, sir, is that I'm saying that you're an expert. You wrote a book on it. I just thought that maybe you could help me, from an expert's point of view, on whether the 90% of the people in Ontario are right or the 10% is right. But that's fair. I'll move on to a different question so I don't upset my Liberal colleagues.

It's clear from your background with public interests, the advocacy centre and from your initial presentation that you have a strong background in consumer protection. Could the witness discuss what motivated him to seek this position with the Ontario Energy Board, and what does the witness believe he will be able to contribute to the functions of the OEB?

Mr. Michael Janigan: Obviously, I am intrigued by the challenge and the importance of the board and the decisions they make, but most of all, I have been privileged to be a consumer advocate for 25 years and gain the experience I've had. The kind of experience that I have over the different industries and the opportunities I have been given are fairly unique for consumers. There's a dearth of people that represent consumers in any area that may be able to come forward and take this position.

In many respects, I felt that—I wouldn't call it an obligation, but I was very motivated to try to assume this position, to ensure that there were representatives that had had experience in consumer protection and consumer issues as they affect energy consumers. That has been my primary motivation.

Mr. Wayne Gates: Thank you. Recently, an expert panel appointed by the federal government noted concerns about how the National Energy Board and the Canadian Nuclear Safety Commission were close to the industry that they regulated and might be vulnerable to regulatory capture. How does the witness believe the OEB can defend itself from adopting too strongly the values of the respective industry it stands to regulate?

The Chair (Mrs. Cristina Martins): You've got about 20 seconds to respond.

Mr. Michael Janigan: Well, I think that it does have a rather extensive conflicts policy that it tries to monitor. The regulatory capture phenomenon is not something that is unique to the energy board. I think they're aware of it and try to take steps to deal with it as best they can.

Mr. Wayne Gates: Thank you.

The Chair (Mrs. Cristina Martins): Thank you very much, Mr. Janigan. We are now going to turn the question over to the government side. Ms. Vernile?

Ms. Daiene Vernile: Thank you, Chair. Good morning, Mr. Janigan. Thank you very much for being here today. Reviewing your background here, I can see that you are very distinguished. Your academic and your career credentials I think will serve well on the board, and we're very pleased that you've put your name forward.

Just to reiterate, the issue of ownership is outside the mandate of this committee or the work that the Ontario Energy Board is committed to. You set the rates; you don't dictate ownership. Just for the record.

Can you tell me, when serving on this board, if you have any specific goals that you wish to achieve?

Mr. Michael Janigan: I think overall I'd like to attempt to bring the experience that I've had not only in energy but across the various industries to bear on where we're going in relation to energy. For example, we've been to school on what has happened in industries such as telecommunications and broadcasting and airlines in relation to efforts to restructure and introduce competition into the marketplace. There are a fair amount of lessons to be learned from that, to make sure that the market is prepared for competition through codes and protections that have been put in place. You'll notice, for example, that the CRTC now is doubling back on their

efforts to restructure telecommunications and broadcast from the 1990s by implementing a number of codes and ways in which the industry must operate.

So I think I can bring that experience to bear. As well, I think that, having dealt with clients such as the Ontario Coalition of Senior Citizens Organization and the Federation of Metro Tenants, I have some insight into the position and the responsibility of the board towards consumers, particularly when they're implementing programs such as conservation demand programs, where they're trying to do outreach to these kinds of consumers. What is more likely to be effective and what is not? It's very important that they all have access to those kinds of programs. It is that experience both in energy and across the board in other industries that I hope to bring to bear.

Ms. Daiene Vernile: Generating a sufficient energy supply is a challenge for all jurisdictions. When we look south of the border, we have a new US president there, Mr. Trump, who has said that he wants to resurrect coal. What are your thoughts on that?

Mr. Michael Janigan: I'm not an environmental expert in relation to emissions, but it does, of course, put some very serious challenges upon the policy-makers in relation to putting forward effective climate change initiatives.

Mr. Sam Oosterhoff: Point of order.

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

Mr. Sam Oosterhoff: I believe that the questioning is not relevant to the qualifications that were brought forward. Could we return to the qualifications of the member, as we talked about earlier, I believe?

The Chair (Mrs. Cristina Martins): It's not a point of order. We're going to let the questioning continue; we just ask that the questioning be more directed to the qualifications of Mr. Janigan to the board.

Mr. Michael Janigan: I was going to swing around to the main point, which is effectively—I think you have to consider that kind of fact as you go forward with your own conservation demand programs. The solutions for that lie primarily in the political arena rather than the arena of the Ontario Energy Board.

Ms. Daiene Vernile: Do you have any particular goals that you wish to achieve when you're going to be sitting on this board?

Mr. Michael Janigan: Well, I hope to infuse the applications and the issues that I deal with with the same kind of emphasis on ensuring that consumers are adequately represented and that the record before the board reflects a full record of the public interest before decisions are made.

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Ms. Daiene Vernile: And it's important for those consumers to have a clean, reliable energy system, like we're creating here in Ontario.

Thank you very much for your time here today.

Mr. Michael Janigan: You're welcome.

The Chair (Mrs. Cristina Martins): Thank you very much, Mr. Janigan. We are now going to turn the

questioning over to the official opposition with Mr. Smith.

Mr. Todd Smith: Welcome, Mr. Janigan. Thanks for submitting your name. I want to ask you about a couple of issues facing the OEB right now, and recently facing the OEB.

The point of putting a price on carbon is to reduce carbon consumption. Given that fact, would you have voted to break cap-and-trade out on a separate line item on consumers' gas bills, given that California and Quebec have done so?

Mr. Michael Janigan: I don't want to resile from my previous position, which was that I was representing consumer groups that took that position—that in fact, it should have been a separate line on the bill. However, I will say that because it's an adjudicative tribunal and because I have an inkling that this matter may be revisited, I don't want to commit that I'm going to take a different position. That's effectively what a member has to do: listen to the evidence and make the decision based on the evidence before them. But I would note that the position I've advanced in the past has not been congruent with what currently occurs.

Mr. Todd Smith: Global adjustment, then; let's move on to global adjustment. Would you break that out on bills as a separate line item?

Mr. Michael Janigan: I think I would want to study that a little more. The global adjustment is a bit of a complex concept in the way it's added and dealt with in terms of the ultimate bill. I think you would have to be very careful in terms of how that would be done on a particular bill. Right now, "global adjustment" has become two dirty words. I think it's important that the public understands it.

I can't necessarily envision how the breakout would occur on a consumer bill.

Mr. Todd Smith: Yes. I would say that most people don't understand what the global adjustment is. But let's just say—what about the rebate that's currently being considered for the global adjustment? You've heard about the program that the government has talked about. Do you believe that that should be a separate line item on a bill, the fact that the government is removing the global adjustment?

Mr. Michael Janigan: There may be strong argument in favour of that in relation to transparency. Once again, you always want to be consistent in relation to what you're putting on a bill. If you're going to put rebates on, are there any other adjustments that should be reported in that fashion? Many times, what you want on a bill is something that's going to influence consumer behaviour or provide consumers with the information about why their bill is as high or as low as it is.

There may be arguments in favour of it; I don't have any strong position on that at the moment.

Mr. Todd Smith: Would it be hypocritical, though, to hide the GA on consumers' bills and openly reveal the rebate that they're then receiving?

Mr. Michael Janigan: I'd have to think about that. I'd have to consider that carefully. I don't have any position on that.

Mr. Todd Smith: Let's move on. Neither the Ontario Energy Board Act nor the Electricity Act defines what a ministerial directive is. Shouldn't the board view any request by the minister as a directive? If the OEB gets a letter or a request from the minister, would that not be considered a directive?

Mr. Michael Janigan: I hesitate to say it, but this is not an issue that I have considered up to this point in time.

My initial view would be that only those directions from the minister that are specifically entitled a directive, issued in accordance with the applicable legislation, are likely to be considered a directive. A letter itself without that kind of formal admonition—I don't know whether that would be a directive per se.

Mr. Todd Smith: But if a minister were to write to the OEB—and you're a sitting member on the OEB—to inform it of a policy that they wished to implement, would you not perceive that to be a directive?

Mr. Michael Janigan: I think we would make inquiries as to whether or not this was a directive under the provisions of the act, or whether or not it was something that the board was required to investigate and report on, in accordance with its own objectives.

Mr. Todd Smith: Okay. Based on your prior experience at TICO, how do you view the independence right now of the Ontario Energy Board?

Mr. Michael Janigan: The Ontario Energy Board has a significantly different role, in many respects, than TICO did. TICO was oversight, and set the implementation of regulations from the government in a somewhat different fashion than the OEB did. TICO was also composed of 10 members from the industry and five that were appointed from the public-interest standpoint.

With respect to the Ontario Energy Board, of course, all of the representatives are expected to be fair and open-minded from the time that they're appointed, and not necessarily representative of their individual constituency—although at both TICO and the board, you were expected to effectively look at the objectives of the act, to implement it.

I think there are some differences, but there are also some parallels. Whatever your background, you have to set aside the particular interest group that you have advocated for in the past, in order to look at the larger public interest, which is informed by the legislation itself and the objectives of the act. Lower rates for consumers may be an appropriate goal, but if in effect it's going to lead to a deterioration of the operating capital of any of the utilities, it's not necessarily a goal that will advance the interests of consumers in the long run.

Mr. Todd Smith: Right. If you encountered political interference, as a member of the board, that you felt was excessive or inappropriate, how would you assert the board's independence in the most transparent way possible?

Mr. Michael Janigan: I think that your first obligation would be to make your views known to your fellow

members of the board. Secondly, if you could not abide by the instructions or the interference that had been levied against the board, as you saw fit, I think you'd have an obligation to get off the board.

Mr. Todd Smith: Okay. Do you agree with the changes to the independence of the board that were brought about as a result of Bill 135? Are you familiar with Bill 135, which was passed in the last session?

Mr. Michael Janigan: Yes, I am. I think the challenge the board is facing as it goes forward is that it has always been sort of an independent, authoritative, adjudicative authority, and it assumed a lot of other kinds of functions on the way. It has grown up in the 20 years to be something like four or five times the size that it was, and it has taken on a lot more responsibility for consumer protection, for ensuring energy supply, and for dealing with a lot of other issues that have come before it.

It may well be that the board has a challenge in front of it, administering the functions that it has been given, pursuant to the government's directives, and at the same time, ensuring that its independence as an independent, authoritative, expert board will be maintained.

I think, going forward, I'd like to have the benefit of experience before I give any formal pronouncement on the soundness of the way in which the increased responsibilities of the board have been handed to it.

Mr. Todd Smith: Okay.

The Chair (Mrs. Cristina Martins): You have just over a minute.

Mr. Todd Smith: Quickly, in the short amount of time we have left: The budget at the OEB has increased substantially above the rate of inflation over the last 10 years. Do you believe that that's appropriate?

Mr. Michael Janigan: The main difficulty has been that up until restructuring, its primary responsibilities were associated with the natural gas industry and, once a year, responding to a review letter from the minister as to the operations of Ontario Hydro.

That has greatly expanded, particularly in the electricity industry, which is an incredible matrix of moving

parts with assorted, different consumer protection problems, both involving gas and electricity retailers. That has put the pressure on to assume those responsibilities.

Once again, as you've noted, there have been a lot of new responsibilities that have been put on the board to implement government policy. Many of those expenditures represent expenditures that would likely have had to be undertaken in a different ministry—the Ministry of Energy or a different ministry—had they not been placed on the board.

The Chair (Mrs. Cristina Martins): Thank you very much, Mr. Janigan. That concludes the time for this interview. You may now step down.

Mr. Michael Janigan: Thank you very much, Madam Chair.

The Chair (Mrs. Cristina Martins): We will now consider the concurrence for Mr. Pareshkumar Jariwala—I hope I got the accent down right that time around—who is nominated as member, grant review team—Essex, Kent and Lambton—Ontario Trillium Foundation. Would someone please move the concurrence? Mr. Qaadri, please.

Mr. Shafiq Qaadri: I move concurrence in the intended appointment of Mr. Pareshkumar Jariwala, nominated as member, grant review team—Essex, Kent and Lambton—Ontario Trillium Foundation.

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

We will now consider the concurrence for Mr. Michael Janigan, who is nominated as member, Ontario Energy Board. Would someone please move the concurrence? Mr. Qaadri, please.

Mr. Shafiq Qaadri: I move concurrence in the intended appointment of Michael Janigan, nominated as member, Ontario Energy Board.

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

That brings our committee to an end. We're adjourned.

The committee adjourned at 1001.

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